

Washington State Register

NOVEMBER 5, 1997

OLYMPIA, WASHINGTON

ISSUE 97-21



IN THIS ISSUE

Agriculture, Department of
Attorney General's Office
Bellingham Technical College
Building Code Council
Central Washington University
Community and Technical Colleges,
State Board for
Community Economic Revitalization Board
Community, Trade and Economic Development,
Department of
Convention and Trade Center
County Road Administration Board
Eastern Washington University
Ecology, Department of
Edmonds Community College
Education, State Board of
Employment Security Department
Energy Facility Site Evaluation Council
Executive Ethics Board
Family and Children's Ombudsman, Office of the
Finance Committee
Financial Institutions, Department of
Financial Management, Office of
Fish and Wildlife, Department of
Funeral Directors and Embalmers, Board of
Gambling Commission
General Administration, Department of
Health Care Authority
Health, Department of
Health, State Board of
Higher Education Coordinating Board
Horse Racing Commission
Human Rights Commission
Insurance Commissioner's Office

Labor and Industries, Department of
Library, Washington State
Licensing, Department of
Natural Resources, Department of
Outdoor Recreation, Interagency Committee for
Parks and Recreation Commission
Peninsula College
Pollution Liability Insurance Agency
Public Disclosure Commission
Public Employees Benefits Board
Public Instruction, Superintendent of
Public Works Board
Real Estate Commission
Renton Technical College
Retirement Systems, Department of
Revenue, Department of
Secretary of State
Securities Division
Social and Health Services, Department of
South Puget Sound Community College
Southwest Pollution Control Authority
Spokane, Community Colleges of
Transportation Commission
Transportation Improvement Board
Transportation, Department of
Treasurer, Office of the State
University of Washington
Utilities and Transportation Commission
Volunteer Firefighters, Board for
Walla Walla Community College
Washington State Patrol
Western Washington University
Workforce Training and Education
Coordinating Board

(Subject/Agency Index at back of issue)
This issue contains documents officially
filed not later than October 22, 1997

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPLICATION 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 November 1997 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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

Mary F. Gallagher Dille
Chair, Statute Law Committee

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Code Reviser

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Chief Assistant Code Reviser

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Editor

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Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

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

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

1996 - 1997
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
96-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
96-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
96-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
96-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18, 1996	Jan 7, 1997
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97-01	Nov 21	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 22
97-02	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 15	Feb 4
97-03	Dec 26, 1996	Jan 8, 1997	Jan 22	Feb 5	Feb 25
97-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
97-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
97-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
97-07	Feb 19	Mar 5	Mar 19	Apr 2	Apr 22
97-08	Mar 5	Mar 19	Apr 2	Apr 16	May 6
97-09	Mar 26	Apr 9	Apr 23	May 7	May 27
97-10	Apr 9	Apr 23	May 7	May 21	Jun 10
97-11	Apr 23	May 7	May 21	Jun 4	Jun 24
97-12	May 7	May 21	Jun 4	Jun 18	Jul 8
97-13	May 21	Jun 4	Jun 18	Jul 2	Jul 22
97-14	Jun 4	Jun 18	Jul 2	Jul 16	Aug 5
97-15	Jun 25	Jul 9	Jul 23	Aug 6	Aug 26
97-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9
97-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23
97-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7
97-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

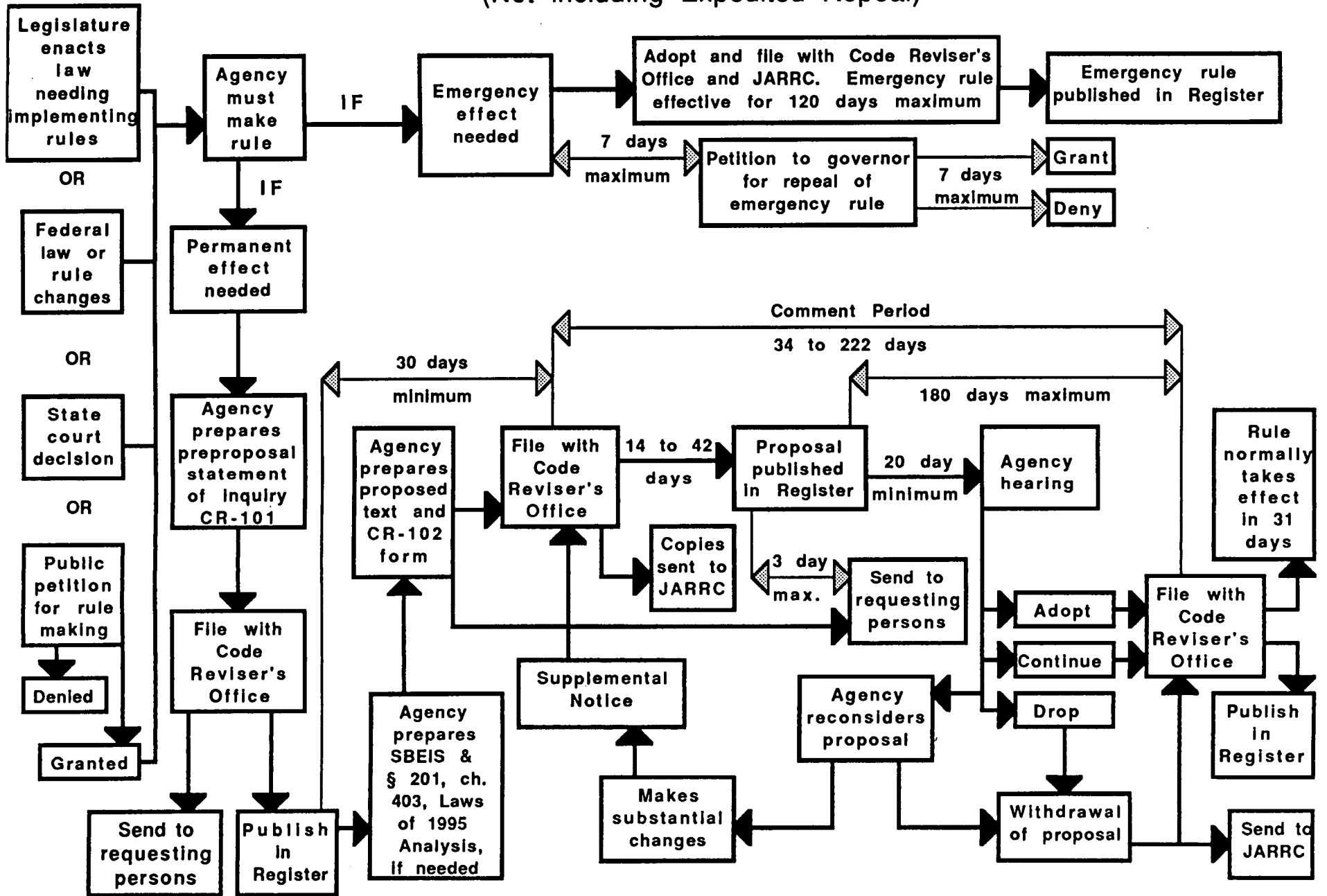
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 97-21-012
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed October 3, 1997, 10:20 a.m.]

Subject of Possible Rule Making: Review of entire Title 131 WAC, pertaining to the State Board for Community and Technical Colleges.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To comply with the governor's Executive Order 97-02 pertaining to regulatory improvement, efficiency, streamlining or elimination (repeal) of certain outdated sections or rules, etc.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As outlined in the governor's Executive Order 97-02 pertaining to regulatory improvement.

Process for Developing New Rule: Normal rules review process including appropriate filings with the Code Reviser's Office, CR-101, CR-102, CR-103, etc. The agency will be reviewing its WAC section over the next few months. Formal action by our state board on proposed rules revisions are anticipated to occur at its January 22, 1998, state board meeting in Olympia, or March 5 meeting in Olympia.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Claire Krueger, Executive Assistant, Administrative Rules Coordinator, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, (360) 753-7413, or (360) 586-6440.

October 2, 1997
 Claire C. Krueger
 Executive Assistant
 Administrative Rules Coordinator

WSR 97-21-013
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed October 3, 1997, 3:48 p.m.]

Subject of Possible Rule Making: Chapter 392-170 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.185 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update information because of legislation; and recommendations by the Superintendent's State Gifted Advisory Committee.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gayle Pauley, 753-2858.

October 3, 1997
 Dr. Terry Bergeson
 Superintendent of
 Public Instruction

WSR 97-21-028
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed October 8, 1997, 3:00 p.m.]

Subject of Possible Rule Making: WAC 468-34-010 Applications, 468-34-020 Costs, 468-34-120 Application of policy to various types of right of way, 468-34-150 Design, 468-34-210 Pipelines—Encasements, and 468-34-330 Scenic enhancement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 47.44 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision to WAC is necessary to clarify issues pertaining to the application process for franchises and permits. In addition, revision is necessary to ensure administrative cost charged by the department are consistent with actual Washington State Department of Transportation costs and overhead, and that surety bonds cover the department's exposure for noncompletion of work. Additional changes are necessary to ensure that state and national guidelines and standards are current, applicable and supported.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Highways Administration.

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 John C. Milton, Transportation Building, P.O. Box 47329, Olympia, WA 98504-7329, e-mail miltonj@wsdot.wa.gov, FAX (360) 705-6815, phone (360) 705-7299.

October 7, 1997
 Gerald E. Smith
 Deputy Secretary
 for Operations

WSR 97-21-057
PREPROPOSAL STATEMENT OF INQUIRY
HUMAN RIGHTS COMMISSION

[Filed October 14, 1997, 9:16 a.m.]

Subject of Possible Rule Making: Chapter 162-04 WAC, General provisions; chapter 162-12 WAC, Preemployment guide; chapter 162-16 WAC, Employment; chapter 162-22 WAC, Employment—Handicapped persons; chapter 162-26 WAC, Public accommodations, handicap discrimination; chapter 162-28 WAC, Public schools—Equal education; chapter 162-38 WAC, Real estate transactions, handicap discrimination; and chapter 162-40 WAC, Credit transactions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.60.120(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To adopt rules implementing the requirements of SHB 1491, an act relating to dog guides and service animals.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Equal Employment Opportunity Commission (EEOC) and the United States Department of Housing and Urban Development (HUD) are federal agencies that administer and enforce Title I of the Americans with Disabilities Act and the Federal Fair Housing Act as amended, respectively. Complaints in employment and housing filed with the Human Rights Commission on certain bases are also dually filed with EEOC and HUD. The Washington State Departments of Health, Licensing and the Office of the Insurance Commissioner will be invited to participate in the development of the rules.

Process for Developing New Rule: Facilitated advisory workgroups.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by submitting written comments to Heriberto Ruiz, 1511 Third Avenue, Suite 921, Seattle, WA 98101-1626, voice (206) 464-6505, FAX (206) 464-7463.

October 13, 1997

Susan J. Jordan
Executive Director

WSR 97-21-099

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 97-39—Filed October 20, 1997, 1:33 p.m.]

Subject of Possible Rule Making: Chapter 173-425 WAC regarding open/outdoor burning.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.700 and [70.94.]755.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 173-425 WAC needs to be amended to make it consistent with chapter 70.94 RCW, which was changed by the legislature in 1995 and 1997 through ESHB 1080 and SHB 1726. The proposed rule making will also address other issues of clarity and consistency with chapter 70.94 RCW in accordance with Governor's Executive Order 97-02 on regulatory improvement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Environmental Protection Agency has adopted a 1990 version of this rule in the Washington state implementation plan for air quality to satisfy requirements of the federal Clean Air Act, and the Washington State Department of Natural Resources regulates various types of outdoor burning on lands where the department has fire protection responsibility. Both agencies will be consulted in the rule-making process.

Process for Developing New Rule: Ecology plans to ask an advisory committee of people who can represent various stakeholder groups to identify issues and advise ecology on ways to address them. Other stakeholders will

be encouraged to participate in this process by providing comments to ecology or the advisory committee.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can ask to be considered as a potential advisory committee member, and/or ask to be placed on a mailing list to receive notice of advisory committee meetings and public hearings and/or a copy of the final draft rule so they can comment on it if they choose. Such requests can be made by contacting Bruce Smith, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6889, FAX (360) 407-6802, e-mail brsm461@ecy.wa.gov.

October 17, 1997

Joseph R. Williams
Program Manager

WSR 97-21-100

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed October 20, 1997, 1:45 p.m.]

Subject of Possible Rule Making: Bingo recordkeeping and accounting. Repeal of rule on interest in separate business at a different marketing level.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 (2), (14), and (20).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The prohibition on interest in separate business at a different marketing level does not account for changed circumstances in the gambling industry; repeal of the prohibition will decrease interference with business practices while not jeopardizing public welfare.

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 Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; Carrie Tellefson, Director of Policy, Support and Enforcement, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Soojin Kim, Rules and Policy Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 310. Shilo Inn, 707 Ocean Shore Boulevard, Ocean Shores, WA 98569, (360) 289-4600, on November 14, 1997; at Skamania Lodge, Exit 44, Interstate 84, Stevenson, Washington 98648, (509) 427-7700, on January 9, 1998; or at Ramada Governor House, 621 Capitol Way South, Olympia, WA 98501, on February 12, 1998.

Soojin Kim
Rules and Policy Coordinator

WSR 97-21-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed October 20, 1997, 1:52 p.m.]

Subject of Possible Rule Making: Chapter 308-94 WAC, Snowmobiles and off-road and nonhighway vehicles, WAC 308-94-010 through 308-94-110.

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 as a result of this review in accordance with Executive Order 97-02.

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. Interested parties are invited to participate in this rule making. Please contact Patrick J. Zlateff, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3718, FAX (360) 664-0831, TDD (360) 664-8885. Comments are requested by November 14, 1997.

October 20, 1997
Nancy Kelly, Administrator
Title and Registration Services

WSR 97-21-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed October 20, 1997, 1:54 p.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, WAC 308-96A-065 through 308-96A-073, 308-96A-175, 308-96A-176, 308-96A-550, and 308-96A-560.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.16.335.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance of Executive Order 97-02.

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. Interested parties are invited to participate in this rule making. Please contact Patrick J. Zlateff, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3718, FAX (360) 664-0831, TDD (360) 664-8885. Comments are requested by November 14, 1997.

October 20, 1997
Nancy Kelly, Administrator
Title and Registration Services

WSR 97-21-105
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed October 20, 1997, 1:55 p.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificate of title, WAC 308-93-430 through 308-93-480.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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. Interested parties are invited to participate in this rule making. Please contact Patrick J. Zlateff, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3718, FAX (360) 664-0831, TDD (360) 664-8885. Comments are requested by November 14, 1997.

October 20, 1997
Nancy Kelly, Administrator
Title and Registration Services

WSR 97-21-111
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION
[Filed October 21, 1997, 10:35 a.m.]

Subject of Possible Rule Making: WAC 180-79A-105 Equivalency of standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide the board greater flexibility to waive one or more certification requirements on a case-by-case basis.

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

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

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

October 20, 1997
Larry Davis
Executive Director

PREPROPOSAL

October 20, 1997
Larry Davis
Executive Director

WSR 97-21-112
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed October 21, 1997, 10:37 a.m.]

Subject of Possible Rule Making: Chapter 180-59 WAC, Preschool accreditation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: None (see Reasons below).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Statutory authority for these rules (RCW 28A.215.320) was repealed by the legislature (section 307, chapter 335, Laws of 1995).

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

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

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

October 20, 1997
Larry Davis
Executive Director

WSR 97-21-113
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed October 21, 1997, 10:39 a.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend WAC 180-57-050 Grade reporting and calculation system, to provide for a revised standardized high school transcript and make other clarification or technical changes as may be necessary.

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

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

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

October 20, 1997
Larry Davis
Executive Director

WSR 97-21-114
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed October 21, 1997, 10:41 a.m.]

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

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

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

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

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

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

WSR 97-21-115
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed October 21, 1997, 10:44 a.m.]

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

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

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

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

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new,

amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

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

October 20, 1997
Larry Davis
Executive Director

WSR 97-21-116
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed October 21, 1997, 10:46 a.m.]

Subject of Possible Rule Making: Chapter 180-18 WAC, Waivers for restructuring purposes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.140 and 28A.630.945.

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

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

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

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

October 20, 1997
Larry Davis
Executive Director

WSR 97-21-117
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed October 21, 1997, 10:48 a.m.]

Subject of Possible Rule Making: Chapter 180-22 WAC, Educational service districts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.310.020.

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

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

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

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

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

October 20, 1997
Larry Davis
Executive Director

WSR 97-21-118
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed October 21, 1997, 10:51 a.m.]

Subject of Possible Rule Making: Chapter 180-39 WAC, Pupils—Uniform entry qualifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.225.160.

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

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

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

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

October 20, 1997
Larry Davis
Executive Director

WSR 97-21-119
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed October 21, 1997, 10:54 a.m.]

Subject of Possible Rule Making: Chapter 180-56 WAC, Secondary education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130(7).

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

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

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

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

October 20, 1997
Larry Davis
Executive Director

WSR 97-21-120
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed October 21, 1997, 10:55 a.m.]

Subject of Possible Rule Making: Repeal of chapter 180-58 WAC, Vocational education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: None (see Reasons below).

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

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

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

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

3631. For telephone assistance contact Larry Davis, (360) 753-6715.

October 20, 1997
Larry Davis
Executive Director

WSR 97-21-130
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed October 21, 1997, 12:10 p.m.]

Subject of Possible Rule Making: Repeal of WAC 192-16-070 Interpretive regulations—Voluntary quit—RCW 50.20.050.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 Commissioner's duties and powers and 50.12.040 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule authorizes the payment of unemployment benefits to individuals who voluntarily quit their jobs under certain prescribed circumstances. A precedential commissioner's decision (*In re: Marinkovic*) and a decision by the Court of Appeals (*In re: Goewert*) limit application of the rule to cases in which an employer is implementing involuntary reductions-in-force. Benefits are denied in cases where employees can volunteer to terminate their employment in exchange for financial incentives. Based on these rulings, the viability of the rule is so limited and subject to further potential litigation as to warrant its repeal.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed action will be shared with USDOL Region X staff prior to repeal.

Process for Developing New Rule: The department intends to hold meetings with stakeholders, interested parties, and significantly affected persons to seek their input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons interested in participating in public meetings to discuss the proposed regulatory changes may contact Juanita Myers, Employment Security Department, Unemployment Insurance Division Policy Unit, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, or FAX (360) 902-9799.

Carver Gayton
Commissioner

WSR 97-21-131
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed October 21, 1997, 12:12 p.m.]

Subject of Possible Rule Making: Amend WAC 192-12-030 to eliminate obsolete employer reports.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 Commissioner's duties and powers, 50.12.040 Rule-making authority, and 50.12.070 Employing unit records and reports.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Certain employer reports listed in the regulation are obsolete and no longer required. These include the various reports for maritime service, the low earnings report, the labor dispute report, and vacation reports. The regulation will be amended to eliminate these reporting requirements. The remainder of the regulation will be rewritten for clarity of language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL Region X staff prior to adoption.

Process for Developing New Rule: The department intends to hold meetings with stakeholders, interested parties, and significantly affected persons to seek their input in the formulation of regulations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons interested in participating in public meetings to discuss the proposed regulatory changes may contact Bob Wagner, Employment Security Department, Unemployment Insurance Division Tax Branch, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9521, or FAX (360) 902-9556.

Carver Gayton
Commissioner

WSR 97-21-136

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed October 22, 1997, 9:21 a.m.]

Subject of Possible Rule Making: Trauma reimbursement rules, trauma care system funding.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The Trauma Care Service Funding Act, SB 5127, which amends chapter 70.168 RCW (the EMS and Trauma Care Act).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 5127 amends chapter 70.168 RCW (the EMS and Trauma Act), requiring that: "The department (of health) shall establish by rule a grant program for designated trauma care services."

This bill was created for the following reason: "Emergency medical services and trauma care are provided to all residents of the state regardless of a person's ability to pay. Historically, hospitals and health care providers have been able to recover some of their financial losses incurred in caring for an uninsured or underinsured person by charging persons able to pay more. In recent years, the health care industry has undergone substantial changes. With the advent of managed health care programs and the adoption of new

cost control measures, some hospitals and health care providers assert that it is difficult to shift costs for uninsured and underinsured patients onto insured patients."

Process for Developing New Rule: Negotiated rule making, several statutory and other EMS and trauma care committees will participate in drafting and reviewing the proposed rules. The Office of Emergency Medical and Trauma Prevention will be working with three main core advisory groups: The Trauma Care Service Funding Workgroup, the Cost/Reimbursement Technical Advisory Committee (C/R TAC), and the Governor's EMS and Trauma Care Steering Committee. Staff from the Department of Health, Department of Social and Health Services, and other agencies will support the activities of these groups as needed. In addition, constituents including: Designated trauma services (administrator and RN trauma service coordinator), hospital, pediatric, rehabilitation, data TACs, WSMA EMS Advisory Committee, regional and local EMS/TC council offices, Licensing and Certification Advisory Committee, and Washington State Hospital, Medical, Fire and Ambulance Associations will also take part in reviewing the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janet Griffith, Director, Department of Health, Office of Emergency Medical and Trauma Prevention, P.O. Box 47853, Olympia, WA 98504-7853, phone (360) 705-6745 or 1-800-458-5281, FAX (360) 705-6706. Public WAC development work sessions will be held during November 1997. The final draft of the proposed WAC will be sent out to all affected parties before formal public hearings are held.

October 22, 1997
Bruce Miyahara
Secretary

WSR 97-21-141

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed October 22, 1997, 10:02 a.m.]

Subject of Possible Rule Making: Chapter 296-150C WAC, Commercial coaches; chapter 296-150F WAC, Factory-built housing and commercial structures; chapter 296-150M WAC, Manufactured homes; chapter 296-150P WAC, Recreational park trailers; and chapter 296-150R WAC, Recreational vehicles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.22 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In the spirit of regulatory reform and the Governor's Executive Order 97-02, the department has reviewed its FAS rules and policies and will be proposing rule amendments which will incorporate some policies into the rules, update some rule content, clarify the language and intent of some rule sections, and make corrective housekeeping changes where appropriate.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will be in communication with

the Washington Association of Building Officials (WABO) and the Department of Community, Trade and Economic Development (DCTED). Both groups will be invited to attend stakeholder meetings and will be provided copies of any proposed rules for their review and comment.

Process for Developing New Rule: The department will utilize input from department staff, stakeholder groups, individual stakeholders and the FAS Advisory Board to formulate rule language and will solicit public comments through the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dan Wolfenbarger, Chief Factory Assembled Structures Inspector, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44440, Olympia, WA 98504-4440, phone (360) 902-5225, FAX (360) 902-5292.

October 15, 1997
Gary Moore
Director

WSR 97-21-142
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed October 22, 1997, 10:03 a.m.]

Subject of Possible Rule Making: Chapter 296-46 WAC, Safety standards—Installing electric wires and equipment—Administrative rules and chapter 296-401 WAC, Certification of competency for journeyman electricians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will propose rule amendments implementing the Governor's Executive Order 97-02. In doing so, it will incorporate certain electrical policies into the WAC code and clear rule writing, chapter 296-401 WAC, Certification of competency for journeyman electricians. The department will propose additional rule amendments based upon staff and external stakeholder recommendations. Finally, the department will propose some new electrical fees, as well as, a general 4.05% increase in existing fees. The 4.05% figure is the maximum fiscal growth rate factor allowed by the Office of Financial Management for fiscal year 1998.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is the only agency that has jurisdiction over these matters.

Process for Developing New Rule: The proposed rules will be developed based upon recommendations from external stakeholders, department staff and the Electrical Board, as well as, the Administrative Procedure Act public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janet Lewis, Chief Electrical Inspector, phone (360) 902-5249, FAX (360) 902-5292, Department of Labor and Industries, Specialty Compliance

Services Division, P.O. Box 44460, Olympia, WA 98504-4460.

October 16, 1997
Gary Moore
Director

WSR 97-21-143
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed October 22, 1997, 10:04 a.m.]

Subject of Possible Rule Making: 4.05% increase in plumbing (chapter 296-400A WAC), contractor registration (chapter 296-200A WAC) and factory assembled structures (chapters 296-150C, 296-150F, 296-150M, 296-150P and 296-150R WAC) fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.106 RCW, Plumbers; chapter 18.27 RCW, Registration of contractors; and chapter 43.22 RCW, factory assembled structures.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A 4.05% fee increase, which is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 1998, is necessary to maintain the stability of the plumber's fund and the operational effectiveness of the contractor registration and FAS programs. The department will propose new FAS fees for electrical plan review, for the printing and distribution of publications and for altering a manufactured home without a permit. New plumbing fees related to medical gas piping certification may also be proposed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is the sole agency charged with setting plumbing, contractor registration and most FAS fees. However, the United States Department of Housing and Urban Development (HUD) will review any proposed increase in manufactured home fees.

Process for Developing New Rule: The department will solicit input from the Governor's Advisory Board of Plumbers, the Director's FAS Advisory Board, an ad hoc committee, individual stakeholders, other stakeholder groups and the public hearing process in developing this rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Morris, Chief Contractor Compliance/Plumbing Certification Inspector, phone (360) 902-5578, FAX (360) 902-5292, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44470, Olympia, WA 98504-4470; or Dan Wolfenbarger, Chief Factory Assembled Structures Inspector, phone (360) 902-5225, FAX (360) 902-5292, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44440, Olympia, WA 98504-4440.

October 16, 1997
Gary Moore
Director

WSR 97-21-144
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed October 22, 1997, 10:05 a.m.]

Subject of Possible Rule Making: Chapter 296-86 WAC, Regulations and fees for freight and passenger elevators, manlifts, material lifts, dumbwaiters, escalators, moving walks, automobile parking elevators, personnel elevators, and other lifting devices; and chapter 296-81 WAC, Safety rules governing elevators, dumbwaiters, escalators, and lifting devices—Moving walks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.87 RCW, laws governing elevators and other lifting devices-moving walks.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amended rules for chapter 296-86 WAC are necessary to comply with the clear rule-writing provisions of the Administrative Procedure Act (chapter 34.05 RCW). Also, new fees for roped-hydraulic elevators and limited-use/limited application elevators are needed, as well as, a general 4.05% increase in all elevator fees. Additionally, new fees will be proposed for department services like duplicate plan review and for technical assistance provided by elevator inspectors. Finally, national consensus standards will be updated where appropriate. WAC 296-81-007 will be amended to reference the 1996 ASME A17.1 code.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The subject is solely regulated by the Department of Labor and Industries. No other state or federal agencies are involved.

Process for Developing New Rule: The primary responsibility for developing specific rule proposals rests with the chief elevator inspector with input from department customers, regional staff and the Elevator Advisory Board.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jan M. Gould, Chief Elevator Inspector, phone (360) 902-6128, FAX (360) 902-6132, Department of Labor and Industries, Specialty Compliance Services Division, Elevator Section, P.O. Box 44480, Olympia, WA 98504-4480.

October 16, 1997
 Gary Moore
 Director

WSR 97-21-153
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION
 [Filed October 22, 1997, 11:17 a.m.]

Subject of Possible Rule Making: Access charge reform and the cost of universal service. Provisions that might be affected are currently codified in WAC 480-80-047, 480-80-048, and adjudicated in Cause No. U-85-23, et al. (primarily, the Seventeenth and Eighteenth Supplemental Orders). Other rules and/or orders relating to these topics might also be affected. Docket No. UT-970325.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, chapter 80.36 RCW and 47 U.S.C. Sections 253 and 254.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Telecommunications Act of 1996 and related Federal Communications Commission orders and actions.

Existing rules and precedent address Intrastate Interexchange Carrier Access Charges and the state Universal Service Fund. The underlying rationale for the existing rules originated as a result of the divestiture of the Bell System in 1984 (see WUTC Cause No. U-85-23, et al.). Now, as a result of the Telecommunications Act of 1996 (act), made law on February 8, 1996, the FCC has embarked upon and set into motion a procompetitive deregulatory national policy framework in which it has recently completed its "Trilogy" foundation of orders for this new paradigm. On August 8, 1996, the FCC issued its Local Competition order under FCC 96-325. On May 8, 1997, the FCC issued both its Universal Service order and Access Charge Reform order under FCC 97-157 and FCC 97-158, respectively. The new paradigm set in motion by the act and partially implemented through the FCC rules will have an enormous impact upon the telecommunications industry in Washington. These new national procompetitive rules and policies create the necessity to revisit our current rules and precedent, and move forward with competitively neutral rules and policies as part of the commission's responsibility in carrying out its obligations under the act and the legislative directive outlined in chapters 80.01, 80.04, and 80.36 RCW. The issues that must be addressed at a minimum should be how to:

- (1) Identify the existence of any implicit subsidies for universal service and remove them to the extent possible.
- (2) Establish a new universal service funding system and replace the existing system with an explicit, specific, predictable, and sufficient funding mechanism for universal service that is competitively neutral.
- (3) Review pricing principles to ensure recovery of economically efficient costs, and to ensure that appropriate rate levels and rate design are established in proper relationship to the costs and market power of each provider.
- (4) Allow the marketplace to function, while protecting captive ratepayers.
- (5) Ensure that service to rural and high cost area customers is adequate and affordable, as specified in 47 U.S.C. 254 (b)(3).

The need for this proceeding is also evidenced by the Petition for Investigation filed August 8, 1997, by AT&T Communications of the Pacific Northwest, Inc., in Docket No. UT-970325; and the proceeding in Docket No. UT-970653, wherein the pleadings suggest that a general and open process such as rule making is preferable to a case-by-case, company-by-company, approach to the issues.

Expected accomplishments will be the development of rules and mechanisms applicable on a competitively neutral basis to all regulated industry participants. The rule-making process is open and explicit and will allow all industry participants (incumbent and new entrant alike) and interested persons to become involved and help shape the future of competitive telecommunications service provision in Washington state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Communications Commission regulates comparable interstate service and costing. The major reason for this rule making is to bring state rules into consistency with federal requirements (and/or recommendations) to the extent feasible, and to allow for a more competitive telecommunications market in the state of Washington. This will include a review and study of pertinent federal laws, federal rules, and other resources.

Process for Developing New Rule: Agency study; and the commission will call for written comments, and may provide the opportunity for additional written comments. The commission will schedule an informal workshop(s) with interested persons in a manner designed to develop consensus regarding any rule proposal. Data collection may also be necessary. See below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 753-6451, FAX (360) 586-1150. Such persons may submit comments, as specified below, or may ask to be included in the commission's list of interested persons for the proceeding.

Written Comments: Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. UT-970325, not later than **November 21, 1997**. All commenters are asked, but not required, to file an original and ten copies of their written comments. The commission also requests, but does not require, that comments be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 5.1, 6.0 or 6.1, labeled with the docket number of this proceeding and the commenter's name and type of software used. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. Interested persons may also attend and participate in the workshop described below and in any other workshop that may be scheduled. The commission will provide written notice of any additional preproposal workshops to all commenters and to any other persons specifically asking to receive notice in this rule-making proceeding.

Notice of Workshop: A workshop will be held at **9:30 a.m., Tuesday, January 13, 1998**, in Room 206 of the Commission's Headquarters Office, 1300 South Evergreen Park Drive S.W., Olympia, WA. PLEASE NOTE: The commission's teleconference bridge line will be available for this workshop. A limited number of teleconference ports will be available for the Olympia workshop and will be assigned one to an organization, on a first-come, first-served, basis. Remaining open ports on the day of the workshop will be assigned to provide more ports per organization, if requested. Persons wishing to attend via the teleconference bridge line must contact Tim Zawislak, at (360) 664-1294, no later than 3:00 p.m., Friday, January 9, 1998.

October 22, 1997
Terrence Stapleton
for Steve McLellan
Secretary

WSR 97-21-020
PROPOSED RULES
WASHINGTON STATE PATROL
 [Filed October 7, 1997, 9:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-17-058.

Title of Rule: Employment—Conviction records.

Purpose: Amend sections to comply with SSB 5621, chapter 113, Laws of 1997.

Statutory Authority for Adoption: RCW 4.24.550, 9A.44.130, [9A.44.]140, 10.02.200, 43.43.540, 70.48.470.

Summary: Amend chapter 446-20 WAC to include kidnapping to sex offender registration, history retention, and change of address form requirements.

Reasons Supporting Proposal: To ensure rule complies with state law.

Name of Agency Personnel Responsible for Drafting and Implementation: Ms. Toni Korneder, P.O. Box 42633, (360) 705-5101; and Enforcement: Captain John Broome, P.O. Box 42633, (360) 705-5350.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendments to chapter 446-20 WAC, Employment—Conviction records, will bring the WAC into compliance with SSB 5621, chapter 113, Laws of 1997, Registration of criminals who have victimized children.

Proposal does not change existing rules.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Commercial Vehicle Division Conference Room, Ground Floor, General Administration Building, Olympia, Washington 98504, by November 25, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Ms. Kendra Hensley, by November 18, 1997, (360) 753-0678.

Submit Written Comments to: Ms. Toni Korneder, Washington State Patrol, Identification Section, P.O. Box 42633, Olympia, WA 98504-2633, FAX (360) 664-9461, by November 18, 1997.

Date of Intended Adoption: December 1, 1997.

October 3, 1997

Annette M. Sandberg
 Chief

AMENDATORY SECTION (Amending WSR 97-05-048, filed 2/18/97, effective 3/21/97)

WAC 446-20-500 Sex offender and kidnapping offender registration. RCW 9A.44.130 requires any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense to register with the county sheriff for the county of that person's residence. The sheriff is required to forward the registration information to the Washington state patrol identification and criminal history section within five working days. The Washington state patrol is mandated to

maintain a central registry of sex offenders and kidnapping offenders consistent with chapters 10.97, 10.98, and 43.43 RCW. ~~((The following regulations implement the provisions of this act:))~~

AMENDATORY SECTION (Amending WSR 97-05-048, filed 2/18/97, effective 3/21/97)

WAC 446-20-510 History retention. Sex and kidnapping offender registration information will be maintained in the offender's criminal history file according to retention periods outlined in RCW 9A.44.140. Once an offender is registered, a notation of "registered sex offender" or "registered kidnapping offender" shall be printed on the transcript of record for that individual.

AMENDATORY SECTION (Amending Order 90-003, filed 9/20/90, effective 10/21/90)

WAC 446-20-525 Change of address form. Registered sex and kidnapping offenders who change residence ((from one county to another are required to register with the sheriff in the county of their new residence and also notify the county sheriff where they were previously registered. A "change of address" form WSP-CRD-502 must be sent to the county sheriff of the former residence and the offender must then register with the county sheriff of the new residence.

Registered sex offenders are required to send written notice of a change of address to the sheriff within ten days of establishing a new residence within the same county--)) within the same county are required to send a "change of address" form WSP-CRD-502 to the county sheriff at least fourteen days before moving.

Registered sex and kidnapping offenders who change residence from one county to another are required to send written notice fourteen days before moving to the county sheriff in the new county residence and must register with that county sheriff within twenty-four hours of moving. The offender must send a "change of address" form within ten days of moving in the new county to the county sheriff with whom the offender last registered.

Registered sex and kidnapping offenders who move to another state or county must send a "change of address" form ten days before moving to the new state or county to the county sheriff with whom the offender last registered in Washington state.

County sheriffs must forward "change of address" forms ((must be forwarded)) to the Washington state patrol identification and criminal history section within five working days upon receipt.

WSR 97-21-021
PROPOSED RULES
WASHINGTON STATE PATROL
 [Filed October 7, 1997, 9:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-17-059.

Title of Rule: Minimum requirements for construction and equipment of special motor vehicles.

PROPOSED

Purpose: Amend sections to comply with modern technology and vehicle equipment RCWs.

Statutory Authority for Adoption: RCW 46.005 [46.37.005] and 46.37.320.

Summary: Amend chapter 204-90 WAC to ensure that certain types of aftermarket devices for vehicles will be legal for use. Eliminates the use of aftermarket devices which are not legal and do not comply with federal and SAE standards.

Reasons Supporting Proposal: To meet National Highway Traffic Safety Administration (NHTSA) and Society of Automotive Engineers (SAE) standards.

Name of Agency Personnel Responsible for Drafting and Implementation: Ms. Carol I. Morton, P.O. Box 42635, (360) 412-8934; and Enforcement: Captain Tim D. Erickson, P.O. Box 42614, (360) 753-0302.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendments to chapter 204-90 WAC, Minimum requirements for construction and equipment of special motor vehicles, will bring the WAC into compliance with modern technology and ensure compliance to the vehicle equipment RCWs.

Proposal does not change existing rules.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Commercial Vehicle Division Conference Room, Ground Floor, General Administration Building, Olympia, Washington 98504, on November 25, 1997, at 11 a.m.

Assistance for Persons with Disabilities: Contact Ms. Kendra Hensley by November 18, 1997, (360) 753-0678.

Submit Written Comments to: Ms. Carol Morton, Washington State Patrol, Equipment and Standards, P.O. Box 42635, Olympia, WA 98504-2635, FAX (360) 493-9090, by November 18, 1997.

Date of Intended Adoption: December 1, 1997.

October 3, 1997
Annette M. Sandberg
Chief

AMENDATORY SECTION (Amending Order 87-03-ESR, filed 12/8/87)

WAC 204-90-030 Definitions. (1) Special motor vehicles: Passenger vehicles, multipurpose passenger vehicles, trucks and buses with a gross vehicle weight rating of 10,000 pounds or less equipped with two or more axles having at least two wheels per axle and which are intended for use on public highways. The term "special motor vehicle" shall include the following types:

(a) Type I: Vehicles that retain or are exact replicas of the original body configuration of a recognized vehicle manufacturer with changes made to any of the equipment items specified in this chapter. This type shall also include vehicles that have been modified from a recognized vehicle manufacturer's original body chassis configuration but that retain the general appearance of the original body chassis.

(b) Type II: All special motor vehicles which are custom built with fabricated parts or parts taken from existing vehicles excluding Type I vehicles.

(c) Enclosed vehicle: Every Type I and Type II vehicle having a solid enclosed compartment for occupants as compared to an open or "soft top" convertible vehicle.

(2) Recognized manufacturer: A person, firm, co-partnership, association, or corporation who is or has engaged in the business of manufacturing motor vehicles intended for use on the public highways and offered for sale in interstate commerce.

(3) FMVSS: Federal Motor Vehicle Safety Standard.

Notwithstanding any other provisions of law, a vehicle or exact replica of a vehicle (~~more than thirty years old~~) manufactured prior to 1968 owned and operated primarily as a collectors item and which has been restored to the original configuration and specifications of a recognized manufacturer is exempted from the requirements of this chapter.

AMENDATORY SECTION (Amending WSR 97-04-055, filed 2/3/97, effective 3/6/97)

WAC 204-90-040 Body requirements. (1) Defroster and defogging devices: Every enclosed special motor vehicle shall be equipped with a device capable of defogging and defrosting the windshield area. Vehicles or exact replicas of vehicles manufactured prior to January, 1938, are exempt from this requirement.

(2) Door latches: Every enclosed special motor vehicle equipped with side doors leading directly into a compartment that contains one or more seating accommodations shall be equipped with door latches which firmly and automatically secure the door when pushed closed and which allow each door to be opened both from the inside and outside.

(3) Hoodlatches: A front opening hood shall be equipped with a primary and a secondary latching system to hold the hood in a closed position.

Hoods are optional equipment on vehicles defined as street rods and kit vehicles by the Washington state patrol vehicle inspectors.

(4) Enclosed passenger compartment: A special motor vehicle with an enclosed passenger compartment and powered by an internal combustion engine shall be constructed to prevent the entry of exhaust fumes into the passenger compartment.

(5) Floor pan: A special motor vehicle shall be equipped with a floor pan under the entire passenger compartment capable of supporting the weight of the number of occupants that the vehicle is designed to carry.

(6) Bumpers: A special motor vehicle shall be equipped with a bumper on both the front and rear of the vehicle with the exception of motor vehicles where the original or predominant body configuration, provided by a recognized manufacturer, did not include such bumper or bumpers in the design of the vehicle. (~~Bumpers or exact replicas of bumpers for Type I vehicles meeting the original specifications of a recognized manufacturer shall satisfy the requirements of this section.~~) All bumpers must meet Society of Automotive Engineers (SAE) Bumper Standards, (i.e., energy absorption or attenuation system).

PROPOSED

Bumpers are optional equipment on vehicles defined as street rods and kit vehicles by the Washington state patrol vehicle inspectors.

Bumpers, unless specifically exempted above, shall be at least 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be attached to the vehicle in a manner equal to the original manufacturer's installation. Bumpers shall be horizontal load bearing and attach to the vehicle frame to effectively transfer energy when impacted.

The maximum bumper heights will be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point on the bottom of the bumper. For vehicles exempted from the bumper requirement for the reasons stated above, a maximum frame elevation measurement shall be made to the bottom of the frame rail. Maximum heights are as follows:

	<u>Front</u>	<u>Back</u>
Passenger Vehicles	22 Inches	22 Inches
4,500 lbs. and under GVWR	24 Inches	26 Inches
4,501 lbs. to 7,500 lbs. GVWR	27 Inches	29 Inches
7,501 lbs. to 10,000 lbs. GVWR	28 Inches	30 Inches

Adding an additional bumper will not meet the above requirements.

(7) Fenders: All wheels of a special motor vehicle shall be equipped with fenders, covers, flaps, or splash aprons adequate for minimizing the spray or splash of water or mud from the roadway to the rear of the vehicle. All such devices shall be as wide as the tires behind which they are mounted, designed to cover the entire tire tread width that comes in contact with the road surface (~~Coverage of the tire tread circumference shall be from at least 15° in front and to at least 75° to the rear of the vertical centerline at each wheel measured from the center of the wheel rotation~~), and shall extend downward at least to the center of the axle. At no time shall the tire come in contact with the body, fender, chassis, or suspension of the vehicle. Street rods and kit vehicles which are more than forty years old and are owned and operated primarily as a collector's item need not be equipped with fenders when the vehicle is used and driven during fair weather on well-maintained, hard-surfaced roads.

(8) Frame: A special motor vehicle shall be equipped with a frame. If an existing frame from a recognized manufacturer is not used and a special frame is fabricated, it shall be constructed of wall box or continuous section tubing, wall channel, or unitized construction capable of supporting the vehicle, its load, and the torque produced by the power source under all conditions of operation.

AMENDATORY SECTION (Amending Order 83-05-01, filed 5/13/83)

WAC 204-90-070 Rear view mirror. A special motor vehicle shall be equipped with ~~((at least two rear view mirrors each having substantial unit magnification. One shall be mounted on the inside of the vehicle in such a position that it affords the driver a clear view at least two hundred feet to the rear. The other shall be mounted on the outside of the vehicle, on the driver's side, in such a position that it affords the driver a clear view to the rear. When an~~

~~inside mirror does not give a clear view to the rear, an outside mirror meeting the requirements of this section shall be required on each side))~~ a mirror mounted on the left side of the vehicle and so located to reflect to the driver a clear view of the highway for a distance of at least two hundred feet to the rear. A special motor vehicle shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so located as to reflect to the driver a clear view of the highway for a distance of at least two hundred feet to the rear of the vehicle. The mirror mountings shall provide for mirror adjustment by tilting both horizontally and vertically.

AMENDATORY SECTION (Amending Order 83-05-01, filed 5/13/83)

WAC 204-90-120 Suspension. The ground clearance for a special motor vehicle shall be such that the vehicle shall be able to be in motion on its four rims on a flat surface with no other parts of the vehicle touching that surface. Maximum ground clearance for a special motor vehicle shall be determined using the table contained in WAC 204-90-040(6) Bumpers.

The spring mounts and shackles shall be properly aligned and of sufficient strength so as to support the gross weight of the vehicle and provide free travel in an up and down movement under all conditions of operation. Rear coil spring suspension systems shall incorporate anti-sway devices to control lateral movement.

A special motor vehicle shall have a suspension system that allows movement between the unsprung axles and wheels and the chassis body and shall be equipped with a damping device at each wheel location. The suspension system shall be capable of providing a minimum relative motion of plus and minus 2 inches. When any corner of the vehicle is depressed and released, the damping device shall stop vertical body motion within two cycles.

There shall be no heating or welding of coil springs, leaf springs, or torsion bars.

No special motor vehicle shall be constructed or loaded so that the weight on the wheels of any axle is less than 30% of the gross weight of the vehicle. No hydraulic system shall be activated while the vehicle is being operated on public roadways.

A special motor vehicle shall be capable of stable, controlled operation while traversing a slalom-type path passing alternately to the left and right of at least four cones or markers arranged in a straight line and spaced 60 feet apart at a minimum speed of 25 MPH. A lift system may not be installed on a special motor vehicle which will allow the maximum frame height to exceed the frame elevations set forth in WAC 204-90-040(6), nor may a lift kit be used to separate the frame from the body.

AMENDATORY SECTION (Amending Order 83-05-01, filed 5/13/83)

WAC 204-90-140 Electrical system requirements. NOTE: The lamps on special motor vehicles shall comply with standards contained in chapter 204-72 WAC.

(1) Dimmer switch: The headlamp circuit shall be equipped with a driver-controlled high and low beam

selector switch unless the vehicle is equipped with single beam headlamps.

(2) Hazard warning switch: A Type II special motor vehicle shall be equipped with a hazard warning switch causing all turn signal lamps to flash simultaneously.

(3) Headlamp switch: The headlamp switch shall activate the headlamps, tail lamps, license plate lamp, and when required, marker lamps simultaneously.

(4) Headlamp system: Aftermarket headlamps shall be white only. A special motor vehicle shall be equipped with two headlamp units or two pairs of headlamp units mounted at the same height, equidistant of each side of the vertical centerline, and as far apart as practical. Headlamp systems shall conform to the requirements of chapter 46.37 RCW. The headlamps shall be mounted on the front forward of the windshield in a plane through the longitudinal centerline of the vertical. The headlamps shall be mounted not less than 24 inches nor more than 54 inches (72 inches for trucks) above the road surface when measured to the headlamp center. Lamp sub-body(ies) shall be constructed with adequate adjustments to afford proper aiming of the headlamp(s) in compliance with chapter 204-72 WAC. Alternative headlamp systems shall comply with FMVSS 108.

(5) High beam indicator: An indicator shall be provided which indicates to the driver when the high beams of the headlamp system are energized. The indicator shall emit a light other than white plainly visible to the driver under normal driving conditions.

(6) Horn: A special motor vehicle shall be equipped with an operable horn capable of emitting sound audible under normal conditions from a distance of not less than 200 feet. No horn or other warning device shall emit an unreasonably loud or harsh sound or whistle nor shall a bell or siren be used as a warning device. The device used to actuate the horn shall be easily accessible to the driver when operating the vehicle.

(7) License plate lamp: At least one white lamp shall be provided at the rear license plate which clearly illuminates the license plate to a distance of 50 feet.

(8) A special motor vehicle, if equipped with an automatic transmission, shall be equipped with a safety switch that prevents the starter motor from being actuated except when the gear selector is in the neutral or park position.

(9) Parking lamps: Two white to yellow (amber) parking lamps, in compliance with FMVSS 108, shall be mounted on the front, one on each side and equidistant from the vertical centerline, at the same height, and as far apart as practical. The parking lamps shall be mounted not less than 15 inches nor more than 72 inches above the roadway. Type I vehicles not originally equipped with parking lamps are exempt from this requirement.

(10) Reflex reflectors: Two red Class A reflectors, in compliance with FMVSS 108, shall be mounted on the rear, symmetrically disposed about the vertical centerline. The reflex reflectors shall be mounted not less than 15 inches nor more than 72 inches above the roadway.

(11) Stop lamps: Two red stop lamps, in compliance with FMVSS 108, shall be mounted on the rear, one on each side equidistant from the vertical centerline of the vehicle, at the same height, and as far apart as practical. The stop

lamps shall be mounted not less than 15 inches nor more than 72 inches above the roadway. Type I vehicles, which were originally equipped with only one stop lamp, need not be equipped with two lamps, providing the lamp is located in accordance with the original design configuration.

(12) Tail lamp system: Two red lamps, in compliance with FMVSS 108, shall be mounted on the rear, one on each side equidistant from the vertical centerline, at the same height, and as far apart as practical. The tail lamps shall be mounted not less than 15 inches nor more than 72 inches above the roadway. Type I vehicles, which were originally equipped with only one tail lamp, need not be equipped with two tail lamps providing the original lamp is located in accordance with the original design configuration.

(13) Turn signal lamps (combination lighting devices are acceptable.): Two Class A red or yellow (amber) turn signal lamps and two Class A yellow (amber) turn signal lamps, in compliance with FMVSS 108, shall be mounted as follows: At or near the front, one yellow (amber) lamp on each side equidistant from the vertical centerline, at the same height, and as far apart as practical. On the rear, one red or yellow (amber) lamp on each side equidistant from the vertical centerline, at the same height, and as far apart as practical. All turn signal lamps shall be mounted not less than 15 inches nor more than 83 inches above the roadway. Type I vehicles are exempt from turn signal requirements if not originally equipped.

(14) Turn signal switch: A special motor vehicle (if equipped with turn signals) shall be equipped with a switch controlled by the operator of the vehicle which shall cause the turn signal lamps to function. The switch shall be self-cancelling and capable of cancellation by a manually-operated control.

(15) Turn signal indicator: If the front signal lamp(s) are not readily visible to the driver, there shall be an illumination indicator to give the operator a clear, unmistakable indication that the turn signal system is on. The illumination indicator shall consist of one or more bright lights flashing at the same frequency as the signal lamps, and it shall emit a light other than white.

(16) Aftermarket neon lighting devices may not be used on motor vehicles while they are in motion on public roadways.

WSR 97-21-046

PROPOSED RULES

SECRETARY OF STATE

[Filed October 13, 1997, 10:14 a.m.]

Supplemental Notice to WSR 97-14-106.

Preproposal statement of inquiry was filed as WSR 96-14-103.

Title of Rule: Chapters 434-24, 434-30, 434-36, 434-40, 434-53, and 434-240 WAC.

Purpose: Amend rules relating to elections, including voter registration, ballots, absentee ballots, mail ballot elections, polling place operation, and counting center procedures.

Statutory Authority for Adoption: RCW 29.04.080, 29.04.210, 29.36.150, 29.79.200.

Statute Being Implemented: Chapters 29.07, 29.10, 29.30, 29.36, and 29.51 RCW.

Summary: Amend rules relating to elections, including voter registration, ballots, absentee ballots, mail ballot elections, polling place operation, and counting center procedures.

Reasons Supporting Proposal: Rules on elections are needed to: (1) Simplify, streamline, and organize election administration procedures and, (2) make the Washington Administrative Code reflect legislation enacted since rules were last amended.

Name of Agency Personnel Responsible for Drafting: Sheryl Moss, Office of the Secretary of State, (360) 664-3653.

Name of Proponent: Secretary of State, governmental.
Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 434-24-035, clean up; requires all counties to maintain a voting record of the elections in which each voter cast a ballot; removes example of form. WAC 434-24-050, removes language designating the basic voter registration form as "Permanent Registration Form 2A" and replaces old form with new form.

WAC 434-24-060, removes language requiring counties to use a specific size and weight paper when certifying the voter registration transfers being transmitted to the Secretary of State; requires all transmittal certificates to contain certain data; removes example of form.

WAC 434-24-085, clean up; removes language specifying size and paper weight of acknowledgment notices; specifies data included in acknowledgment form; removes example of form.

WAC 434-24-095, clean up; removes language specifying paper size and weight for voter registration cancellation forms due to death; removes example of form.

WAC 434-24-105, clean up; removes language specifying the paper size and weight of notices of voter registration cancellation; requires notices to inform voters of registration cancellations; removes examples of form.

WAC 434-24-120, removes requirement for Secretary of State to approve the format of precinct lists of registered voters used at the polls by the county auditor; requires precinct lists of voters to include voters' residence addresses; allows counties to include a ballot code on the precinct list identifying the districts in which a voter is eligible to vote; and allows counties to eliminate the names of ongoing absentee voters and voters who requested absentee ballots from the precinct list. WAC 434-24-130, clean up; allows counties to furnish voter registration names and addresses upon request based on minimum information.

WAC 434-30-030, requires that county-wide ballot measures, in the absence of state measures, appear first on all ballots and sample ballots.

WAC 434-30-150, this section was originally set to be repealed. Instead, the necessity to use uniform size of ballots for an entire election has been eliminated. The proposed changes will allow counties to use variations in size and color to designate different types of ballots.

WAC 434-30-160, clean up; expands the methods by which counties distinguish poll site ballots from absentee ballots.

WAC 434-36-090, clean up; requires counties to list in the voting instructions the dates and locations voters may deposit ballots at drop-off sites; 434-36-170, clean up.

WAC 434-40-190, update absentee oath; update postal endorsements. WAC 434-40-230, add further definition and timelines to the absentee ballot process; update security requirements to match new "secured storage" definition.

WAC 434-53-050, updates section to match corresponding RCW; defines the methods of voting for those who cannot sign their name at the polls. WAC 434-53-110, simplifies wording; adds requirements for "voting booths".

WAC 434-240-235, adds procedures for unsigned affidavits on absentee ballots.

WAC 434-240-320, adds mail ballot precinct procedures.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

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

RCW 34.05.328 (5)(b)(ii) does not apply to this rule adoption.

Hearing Location: Office of the Secretary of State, Legislative Building, Olympia, Washington, on December 2, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sheryl Moss by November 25, 1997, TDD (360) 753-1485, or (360) 664-3653.

Submit Written Comments to: Sheryl Moss, P.O. Box 40232, Olympia, WA 98504, FAX (360) 664-3657, by December 1, 1997.

Date of Intended Adoption: December 3, 1997.

October 13, 1997
Donald F. Whiting
Assistant Secretary of State

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-035 Maintenance of recent voting record. After each primary or election, ~~((in counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling as provided by RCW 29.48.030,))~~ a date shall be entered in the voter registration record of each individual who cast a proper ballot at that election, either at the polling place or by absentee. In the case of each individual record, the five most recent of such dates shall be retained in that record: *Provided*, That if the voter has not voted at least five times since establishing his current registration record, only the available dates shall be recorded. If there are already five such dates being maintained in a given record, the least recent date shall be deleted at the time that any new date is added to that record.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-050 Basic voter registration form. Each original voter registration shall be recorded on a form substantially similar to the sample included below. The form ~~((, designated Permanent Registration Form 2A,))~~ shall

measure eight inches by eight inches and be printed on paper stock of one hundred pound index or a comparable substitute approved by the office of the secretary of state.

PROPOSED

ORIGINAL REGISTER OF VOTER	FIRST NAME	INITIAL	LAST NAME
RESIDENCE ADDRESS		STATE OF WASHINGTON County of _____	
CITY OR TOWN		ZIP CODE	
RESIDENCE LOCATION (IF ADDRESS ABOVE IS ROUTE OR BOX)		I, the undersigned, on oath or affirmation, do hereby declare that the facts set forth herein relating to my qualifications as a voter, recorded by the registration officer in my presence, are true. I further certify that I am not presently denied my civil rights as a result of having convicted of an infamous crime and that I will be at least eighteen years of age at the time of voting. SIGN HERE _____ SIGNATURE OF VOTER	
MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> DATE OF BIRTH <input type="text"/> - <input type="text"/> - <input type="text"/>	PRINT NAME HERE FOR POSITIVE IDENTIFICATION		
U. S. CITIZENSHIP		Subscribed and sworn to before me this _____ day of _____ 19____	
IDENTIFICATION PRODUCT YES <input type="checkbox"/> NO <input type="checkbox"/>		ACCOUNT NUMBER _____ SIGNATURE OF REGISTRATION OFFICER _____	
LAST PREVIOUS REGISTRATION		TRANSFERS	
RESIDENCE ADDRESS		In order to use this form to transfer an existing registration, enter the name and new address of the voter under the appropriate head. <input type="checkbox"/>	
CITY OR TOWN		ZIP CODE	
FOR OFFICE USE ONLY	REGISTRATION NUMBER		DATE OF REGISTRATION
	PRECINCT CODE		PRECINCT NAME
	PRECINCT NAME		DISTRICT/LEVY CODE
	DISTRICT/LEVY CODE		RECORD SIGNING OF Petitions Here (In Pencil)
PENALTY PROVISION RCW 29.36.110. Any person who violates any of the provisions relating to securing and voting, shall be guilty of a felony and shall be punished by imprisonment of not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment.			
INSTRUCTIONS 1. Enter the applicant's name, address, and other pertinent information in the appropriate spaces at the top, left-hand side of the form. 2. Administer the affidavit at the top, right-hand side of the form. 3. Have the applicant sign beneath the affidavit AND on the 3x5 form immediately to the right. Acknowledge the voter's signature on the main form. 4. Return the completed form to the County Auditor or Department of Elections.			
LAST NAME (PRINT)		FIRST NAME	
REGISTRATION NUMBER		SIGN HERE	
CITY		SIGNATURE OF VOTER	
STREET AND NUMBER OR RURAL ROUTE		DATE	PRECINCT
CITY		ZIP CODE	
MOVED TO			
RECORD SIGNING OF PETITIONS HERE (IN PENCIL)			

PROPOSED

Use Pen - Please Print Clearly

(WAC 434-24-250, illus.)

1 Check one: <input type="checkbox"/> New Registration <input type="checkbox"/> Address Change <input type="checkbox"/> Name Change			
2 Mr. Mrs. Miss Ms.	Last Name	First Name	Middle Initial Jr. Sr. II III <input type="checkbox"/> Male <input type="checkbox"/> Female
3 Address Where You Live		City or Town	Zip Code
4 Address Where You Get Your Mail (If Different Than #3)		Zip Code	
5 Date of Birth (Month/Day/Year)	6 Daytime Telephone Number(s)	7 Social Security Number (Optional)	
8 Name and Address on Last Voter Registration Name _____ Street _____ City _____ State _____ Zip _____		9 Voter Declaration - Read and Sign in both the Shaded Areas Below "I declare that the facts on this voter registration form are true: • I am a citizen of the United States • I am not presently denied my civil rights as a result of being convicted of a felony • I will have lived in Washington at this address for thirty days immediately before the next election at which I vote • I will be at least eighteen years old when I vote."	
		SIGN HERE →	

FOLD HERE FIRST

10 Last Name	First Name	Initial
11 SIGN HERE →		12 Are you registered under another name? Last First Initial Former Signature →
↑ Please Print Name Here ↑		WARNING If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, or by a fine of up to ten thousand dollars, or both imprisonment and fine. (RCW 29.07.070)

PROPOSED

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-060 Transmittal of signature cards to the secretary of state. Each group of initiative and referendum signature cards transmitted to the office of the secretary of state under the provisions of RCW 29.07.120 shall be accompanied by a properly executed certificate ~~((on a form substantially similar to the sample included below. The form, designated Permanent Registration Form 5A shall measure five inches by eight inches and be printed on paper stock of sixteen pound bond or a comparable substitute approved by the office of the secretary of state))~~ containing the following information: County, date, the number of cards, and the signature of the Register of Voters attesting to the authenticity of the cards.

CC

**Registrar of Voters' Certificate
of Original Third Cards**

State of Washington, County of _____ 19____

SECRETARY OF STATE,
Olympia, Washington.

Herewith I transmit to you _____ registration cards, and I hereby certify that they are the original third cards, signed by the voters whose names appear thereon, respectively, and that these voters are duly registered in the precincts and from the addresses shown thereon, respectively.

Signed _____
Register of Voters.

County of _____ Washington

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-085 Notice of new registration or transfer. Whenever an individual registers to vote ~~((pursuant to RCW 29.07.070, 29.07.080, and 29.07.090))~~ or transfers his/her registration record pursuant to RCW 29.10.100 or whenever a change in precinct boundaries requires that the existing record of a voter be moved from one precinct to another or be placed in a new precinct, the ~~((registration officer of the))~~ county auditor shall notify by ~~((first class))~~ nonforwardable, address correction requested mail, the individual or voter of such new registration, transfer, or change of precinct boundary acknowledging that the request of the individual or voter with respect to his record has been processed. Such notices and acknowledgment shall be provided on a form ~~((substantially similar to the sample included below. The form, designated Permanent Registration Form 11A shall be printed on paper stock of one hundred pound index or a comparable substitute approved by the office of the secretary of state))~~ containing the following information: The voter's full name, address, county name, precinct name, voter ID number, the date the voter registered and a signature line for the voter.

PROPOSED

YOUR NEW VOTER REGISTRATION CARD

Your precinct has been changed from _____ to _____

PLEASE SIGN AND DETACH

CERTIFICATE OF REGISTRATION

COUNTY, STATE OF WASHINGTON

THIS IS TO CERTIFY THAT:

_____ is a registered voter in _____ Precinct of county of _____ under date of _____

If the address shown is incorrect, or if you move from the address shown on this card you must register the change with the County Auditor.

NEW CARD IS ISSUED PURSUANT TO:

- 1. New registration
- 2. Transfer
- 3. New address given by you at a recent election
- 4. Precinct correction by this office
- 5. Change of precinct boundaries

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-095 Cancellation due to death. Pursuant to RCW 29.10.090, the ((~~registration officer~~)) county auditor shall maintain a supply of, furnish to the public upon request, and include in the supplies sent to each precinct for use by the precinct election officials, forms ((~~substantially similar to the sample included below~~)) for the purpose of permitting registered voters to request that the voter registration record of any person, whom they personally know to be deceased, be cancelled. ((~~The form, designated Permanent Registration Form 13A, shall measure three and one fourth inches by five and one half inches and shall be printed on paper stock of one hundred twenty five pound index or a comparable substitute approved by the office of the secretary of state.~~))

REQUEST FOR CANCELLATION OF REGISTRATION BECAUSE OF DEATH

I hereby declare, under penalties of perjury, that I am a Registered Voter and according to my personal knowledge or belief:

REGISTRATION NUMBER

PRECINCT CODE							
LEVY CODE							
REGISTRATION DATE							

_____ PRECINCT NAME OR NUMBER _____

has died and I am requesting that the voting registration records of said deceased person be cancelled.

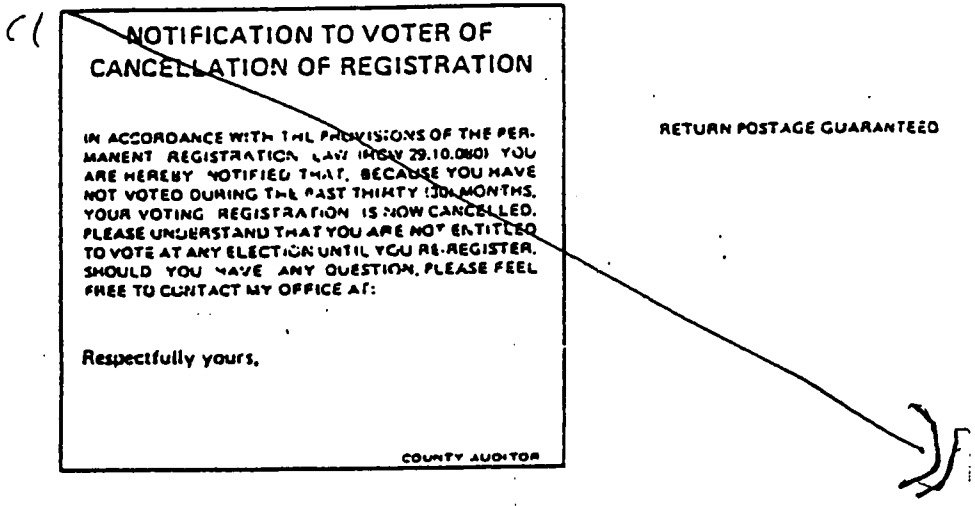
_____ SIGNATURE OF VOTER _____ ADDRESS _____ DATE _____

NOTE This record is to be attached to Permanent Registration Form No. 2 and the Secretary of State notified of cancellation (Chapter 32, Laws of 1961).

PROPOSED

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-105 Notification of cancellation ~~((for failure to vote))~~. The ~~((registration officer))~~ county auditor shall notify, by mail, each registered voter whose registration has been cancelled ~~((for failure to vote))~~ pursuant to RCW ~~((29.10.080 and WAC 434-24-100))~~ 29.10.075. Such notice shall ~~((be on a form substantially similar to the sample included below. The form, designated Permanent Registration Form 12A, shall measure three and one quarter inches by five and one half inches and be printed on paper stock of one hundred twenty five pound index or a comparable substitute approved by the office of the secretary of state))~~ inform the voter that their voter registration has been cancelled and provide the voter with the information needed to contact the auditor.



AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-120 Contents of precinct list of registered voters. The precinct list of registered voters as required by RCW 29.48.030 shall contain the name, residence address, sex, month and day of birth, and voter registration number of each voter in the precinct, a listing of the districts in which that voter resides, and a designation of the applicable county, legislative district, and precinct, or a ballot code identifying this information. The names shall be listed alphabetically by surname. The list ~~((may also))~~ shall contain a space for each voter to sign his/her name and to verify his/her current address and a space for the inspector or judge to credit the voter with having participated in a particular election as provided in RCW 29.51.070. ~~((Each county shall submit its output format for listing to the secretary of state who shall determine whether such format is suitable for use at the polls. If so, he shall approve that format for use in all elections in that county.))~~ The county auditor may eliminate from precinct lists ongoing absentee voters and voters requesting absentee ballots for that election. If the names of such voters do not appear, the precinct list shall clearly indicate that the voters are not included on the list.

county ~~((which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the place as provided by RCW 29.48.030))~~ auditor shall furnish to any person, upon request, current lists of registered voters at actual reproduction cost. The ~~((registration officer))~~ county auditor shall, upon request, select names and addresses from the voter registration records on the basis of the precinct code, the district code, date of registration, or voting history of each individual voter in that portion of the voter registration file. Such lists may contain any information maintained on the computer file except the date of birth of each registered voter and may be in the form of computer printouts, computer-prepared labels, microfilm duplicates, or magnetic tape copies of such information. Such voter registration lists shall be used only for political purposes; commercial use of this information shall be punishable as provided in RCW 29.04.120 as now or hereafter amended.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-30-030 Placement of ballot measures for local units of government. All county-wide ballot measures shall be listed immediately following state measures or issues. In the absence of state measures or issues, county-wide ballot measures shall appear first on all sample ballots and on all ballots. For other local ballot measures and offices, each county shall establish written procedures to determine the order in which local units of government are to be listed on the ballot. Such order of local governmental

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-130 Contents of list of registered voters for the public. Pursuant to the provisions of RCW 29.04.100 and 29.04.120, the ~~((registration officer in each))~~

PROPOSED

units shall be consistent on official, absentee, and sample ballots. The order may be determined by, but is not limited to the following: Size of jurisdictional area, alphabetical order by jurisdictional area, or such order as to provide for efficient use of ballot spacing and voting positions. Such procedures are to provide consistency from election to election within a county.

Except for county-wide ballot measures, local ballot measures and offices, if any, may be positioned in the area dedicated for that jurisdiction; or, local ballot measures may be grouped in a separate area dedicated to special measures only. This may be an area on the ballot separate from the candidates of such local government unit.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-30-160 Electronic voting device instructions. ~~((The))~~ Each ballot shall identify the type of primary or election, the county, and the date of the primary or election. Prominently displayed in the voting booth or on the ballot shall appear instructions directing the voter how to operate the voting device and correctly cast votes on issues and candidates, including write-in votes. The instructions shall read substantially as follows: To vote for a candidate or for or against a measure, punch or mark the voting position to the right of the measure or of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write the title of the office, (if applicable), the name of the candidate, and party affiliation if for a partisan office, in the space provided on the ballot card or ballot envelope and punch or mark such write-in position (if applicable).

Absentee ballots shall be designated ~~((with "absent voter" or "absentee ballot" printed at the top of the ballot card))~~ in such a manner as to clearly distinguish them from polling place ballots.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-30-150 Electronic voting device ballot uniformity. ~~((All ballot cards for an election in counties using electronic voting devices shall be uniform in size.))~~ Counties may use varying sizes and colors of ballot cards if such size and color is used consistently throughout a region, area or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying color and size may also be used to designate absentee ballots, official ballots or vote by mail ballots, and in the case of a presidential preference primary, political party ballots.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-090 Instructions to voters. Instructions shall be included with the mail ballot, the return envelope, and ballot envelope delivered to the voter. The instructions shall detail the mechanical process which must be followed in order to properly cast the ballot. The instructions shall also:

(1) Advise the voter that the election is to be by mail ballot, the amount of postage required on the return envelope, and that regular polling places will not be open;

(2) List the location of the place where the voter may obtain a replacement ballot if his or her ballot is destroyed, spoiled, or lost;

(3) List the location(s) ~~((of the place(s)))~~, dates, and times where the voter may deposit his or her ballot prior to or on election day in the event the ballot is not mailed;

(4) Advise the voter that in order for his or her ballot to be counted it must be either postmarked not later than the day of the election or deposited at ~~((the))~~ a designated place ~~((between the hours of 7:00 a.m. and 8:00 p.m. on the day of the election));~~

(5) ~~((Advise the voter that his or her ballot must be marked in secret; and~~

~~(6)))~~ Advise the voter that any person attempting to vote when he or she is not entitled to or who falsely signs the affidavit shall be guilty of a felony, punishable by imprisonment for not more than five years or a fine of not more than ~~((five))~~ ten thousand dollars, or both such fine and imprisonment; and

(6) State that every voter has the right to vote his or her ballot in secret.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-170 Logic and accuracy test. At least three days before any mail ballot special election, if an electronic vote tallying system is to be used, the auditor shall conduct a logic and accuracy test of all programming. Wherever applicable, this test shall be conducted in accordance with RCW ~~((29.34.163))~~ 29.33.350, except that the secretary of state need not be present. ~~((The test shall be repeated immediately prior to any tabulation of ballots on election day.))~~

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-190 Absentee ballot envelopes. Included with any absentee ballot provided to a voter shall be instructions for correctly voting the absentee ballot, a security envelope which shall bear no markings identifying the voter, and a return envelope which shall bear the return address of the issuing officer and shall have a space for the voter to sign his or her name. The return envelope shall also have ~~((a))~~ the following statement ~~((in substantially the following form)):~~

~~((AFFIDAVIT OF ABSENTEE BALLOT APPLICANT))~~

I do solemnly swear under penalty of law ~~((as set forth below.))~~ that I am a legal resident of the state of Washington ~~((and I further certify that I am legally qualified to vote at the election for which this ballot was requested, that))~~ entitled to vote in this election. I have not voted another ballot, and ~~((that I herein enclose my ballot for that election.))~~ I understand that any person attempting to vote when he or she is not entitled to or who falsely signs the affidavit shall be guilty of a felony, punishable by imprisonment of not more than five years or a fine of not more than ten thousand dollars, or both such fine and imprisonment.

.....
Date Ballot Voted	Signature of Voter

~~(PENALTY PROVISION: Any person who violates any of the provisions of this chapter, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment (RCW 29.36.160).~~

All absentee ballot envelopes and return envelopes shall conform to existing postal department regulations ~~((regarding size))~~. The return envelope shall bear the words "OFFICIAL BALLOT - DO NOT DELAY" prominently displayed on the front, and shall also bear the words "POSTAGE REQUIRED" in the upper right-hand corner.

County auditors shall be permitted to use any existing stock of absentee ballot return envelopes, in the form specified by state law ~~((or administrative rule prior to ((the 1987 amendment to RCW 29.36.030)) June 1, 1997. Upon exhaustion of that stock or not later than ((January 1, 1989)) December 31, 1998, county auditors shall comply with the provisions of this regulation when ordering absentee ballot return envelopes.~~

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-230 Processing of absentee ballots. (1) Prior to initial processing of absentee ballots, the county auditor shall notify the county chair of each major political party of the time and date on which absentee processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of absentee ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of absentee ballots.

(2) All absentee ballot return envelopes may be opened and subsequently processed no earlier than the tenth day prior to any primary or election. In counties tabulating absentee ballots by hand, the inner security envelope may not be opened until after 8:00 p.m. on election day. ~~((In counties tabulating absentee ballots on an electronic vote tallying system, the ballots may be removed from the inner envelope not earlier than the tenth day prior to a primary or election and the ballots then prepared for processing.))~~

(3) In counties tabulating absentee ballots on an electronic vote tallying system, the canvassing board or its representatives may perform the initial processing of absentee ballots at any time on or after the tenth day prior to the primary or election. Following initial processing, all absentee ballots ~~((whether removed from the inner security envelope or not,))~~ must be kept ~~((in sealed or locked containers and))~~ in secure storage until they are ready ~~((to be tabulated))~~ for final processing.

(4) Final processing may be performed only after 7:00 a.m. on the day of that primary or election.

(5) Tabulation may not occur until after 8:00 p.m. on the day of the primary or election.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-050 Voter unable to sign name— Authority to vote. Whenever a registered voter's name appears in the poll book or precinct list but the voter is unable to sign his/her name, the ~~((voter shall be provided))~~ precinct election officer shall require the person offering to vote to be identified by another registered voter and issued a ~~((questioned))~~ ballot. The ~~((questioned))~~ ballot shall be processed in the same manner as other ~~((questioned))~~ regularly voted ballots. In the event that the person offering to vote cannot be identified by another registered voter, the precinct election officer shall issue the person a special ballot. Such special ballots shall be referred to the county canvassing board. The precinct election officer shall note on the poll book that the voter could not sign their name. The county auditor shall verify after election day that the voter's registration reflects the voter's inability to sign. The county auditor shall request an updated signature for those voters without current signatures on file.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-110 Examination of voting devices and booths. Precinct election officers ~~((charged with periodically examining the voting devices to ensure that they have not been tampered with shall do so))~~ shall examine the voting devices or booths to ensure that they have not been tampered with at least once every hour while the polls are open.

NEW SECTION

WAC 434-240-235 Unsigned affidavit. (1) If the voter neglects to sign the affidavit on the return envelope, the auditor shall notify the voter, either by telephone or by first class mail, of that fact. The auditor may:

(a) Require the voter to appear in person and sign the return envelope not later than the day before the certification of the primary or election; or

(b) Provide the voter with a copy of the return envelope affidavit and require the voter to sign the copy of the affidavit and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election.

(2) The auditor shall advise the voter about the correct procedures for completing the unsigned affidavit and that, in order for the ballot to be counted, the voter must either:

(a) Sign the copy of the return envelope affidavit, if one is provided by the auditor, and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election; or

(b) Appear in person at the auditor's office not later than the day before the certification of the primary or election and complete the affidavit on the return envelope.

A record shall be kept of the date on which the voter was contacted or on which the notice was mailed to the voter, as well as the date on which the voter signed the return envelope or a copy of the return envelope affidavit.

PROPOSED

NEW SECTION

WAC 434-240-320 Mail ballot precincts. At any primary or election, general or special, the county auditor may, in any precinct having fewer than two hundred active registered voters at the time of closing of voter registration as provided in chapter 29.07 RCW, conduct the voting in that precinct by mail ballot. For any precinct so designated, the county auditor shall not less than fifteen days prior to the date of the primary or election mail or deliver to each active and inactive registered voter within that precinct a notice that the voting in the precinct will be by mail ballot, an application form for a mail ballot, preaddressed to the issuing officer with return postage prepaid. A mail ballot shall be issued to each voter who returns a properly executed application to the county auditor no later than the day of the primary or election. For all subsequent mail ballot elections in that precinct, the application is valid so long as the voter remains active and qualified to vote. For each subsequent mail ballot election in the precinct, the county auditor shall mail a notice, mail ballot application form, preaddressed to the issuing officer with return postage prepaid to each active and inactive voter in the precinct without a mail ballot application form on file with the county auditor. Unless otherwise provided for by law or administrative rule, mail ballot precinct ballots shall be processed in the same manner as absentee ballots. For all other purposes, including the rotation of ballots and the reporting of returns, mail ballot precinct ballots shall be treated in the same manner as polling place ballots unless otherwise provided for by law or administrative rule.

WSR 97-21-051**PROPOSED RULES****DEPARTMENT OF LICENSING**

(Real Estate Commission)

[Filed October 13, 1997, 3:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-015 and 97-18-068.

Title of Rule: (1) Amend WAC 308-124-021(2) Definitions: This rule adds WAC language recognizing real estate companies that operate as limited liability companies or partnerships which were made part of the Real Estate Licensing Law in 1997 with the passage of SSB 5267.

(2) New WAC 308-124-025, 308-124-035, and 308-124-045, application of brief adjudicative proceedings. These rules create a brief administrative procedure for certain kinds of real estate licensing adjudicative matters, in particular, the suspension of a license for default on a student loan - pursuant to RCW 18.85.225.

(3) Amend WAC 308-124A-120(3) Application for license—Interim license; 308-124A-200 (1), (2), (3), (4), (5) Corporate or copartnership applicants for licenses—Proof required, 308-124A-205 Corporate license renewal—Proof required, 308-124C-030 Accuracy and accessibility of records, 308-124D-061(1) Broker supervision of affiliated licensees. Adds language relating to limited liability companies and partnerships.

(4) Repeal WAC 308-124F-040 Standards for professional associations and educational organizations. This rule is being repealed because it duplicates current statutory language regarding public records disclosure and parts are in conflict with public records law.

Purpose: See Title of Rule above.

Statutory Authority for Adoption: RCW 18.85.040.

Statute Being Implemented: Student loan default law, RCW 18.85.225; recognizing limited liability corporation and partnerships, RCW 18.85.120.

Summary: See Title of Rule above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Mitchell, Real Estate Program Manager, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 586-6102, FAX (360) 586-0998.

Name of Proponent: Department of Licensing, Real Estate Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Title of Rule above.

Proposal Changes the Following Existing Rules: See Title of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rule changes are housekeeping in nature and do not have an impact on small business.

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

Hearing Location: Columbia Seafirst Center, 701 Fifth Avenue, 40th Floor Conference Center, Seattle, WA, on December 5, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Robert Mitchell by December 1, 1997, TDD (360) 586-6102.

Submit Written Comments to: Robert Mitchell, FAX (360) 586-0998, by December 1, 1997.

Date of Intended Adoption: December 5, 1997.

October 10, 1997

Linda M. Moran

Senior Assistant

Attorney General

AMENDATORY SECTION (Amending WSR 90-23-039, filed 11/15/90, effective 12/16/90)

WAC 308-124-021 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.85 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Designated broker" is the natural person designated by a corporation, limited liability company, limited liability partnership or partnership to act as a broker on behalf of the corporation, limited liability company, limited liability partnership or partnership. The designated broker must be an officer of the corporation, manager or member of the limited liability company, partner of the limited liability partnership or a general partner of the partnership and must be separately qualified for licensure as a real estate broker.

(3) "Principal owner" is a person who owns or controls, directly or indirectly, ten percent or more of a real estate

brokerage, regardless of whether such interest stands in the person's true name or in the name of a nominee.

(4) "Individual broker" is the natural person who owns a sole proprietorship brokerage company and is the licensed broker of the firm.

(5) "Incorporated associate broker" is the natural person qualified as a broker who works with a broker and who is licensed as a corporation and whose license states that he or she is associated with a broker.

(6) "Affiliated licensees" are the natural persons licensed as salespersons, associate brokers, incorporated associate brokers, and/or branch managers employed by a real estate broker and who are licensed to represent a broker in the performance of any of the acts specified in chapter 18.85 RCW.

NEW SECTION

WAC 308-124-025 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a real estate broker or real estate salesperson in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether to deny or withdraw approval of any real estate clock hour courses, school approval, or instructor approval;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal;

(5) Whether a license holder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed education loan or service-conditional scholarship; and

(6) Whether a cease and desist order issued to an unlicensed person for acting as a real estate broker or salesperson was properly issued.

NEW SECTION

WAC 308-124-035 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license, for approval of an education course or curriculum, or for the proper issuance of a cease and desist order shall consist of:

(a) The application for the license, renewal, or approval and all associated documents; or the cease and desist order and all associate documents;

(b) All documents relied upon by the program in proposing to deny the license, renewal, or approval; or all documents relied upon by the program in issuing a cease and desist order; and

(c) All correspondence between the applicant for license, renewal, or approval and the program regarding the applica-

tion; or all correspondence between the respondent and the program regarding the issuance of the cease and desist order.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed education loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed education loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-124-045 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

AMENDATORY SECTION (Amending WSR 91-23-006, filed 11/7/91, effective 12/8/91)

WAC 308-124A-120 Application for license—Interim license. (1) A person who desires to be licensed as a real estate salesperson or associate broker, or broker shall make application on a form approved by the director and the real estate salesperson and associate broker application shall be signed by the broker or designated broker to whom the

license will be issued. The branch manager may sign for the broker or designated broker for licenses to be issued to that branch office. All signatures must be original signatures of the signators, unless signed under authority of a written power of attorney.

(2) Upon receipt of notice of passage of the examination and the license application form, applicants for a real estate salesperson license may commence working upon the postmark date to the department or date of hand delivery to the licensing division of the department of the signed, dated and completed license application form with the license fee. The completed license application form, if submitted with the license fee, shall serve as an interim license for a period up to forty-five days after the postmark date or date of hand delivery to the department, unless grounds exist to take disciplinary action against the license under RCW 18.85.230.

(3) There are no interim licenses for designated brokers for corporations, limited liability companies, limited liability partnerships or partnerships, individual real estate brokers or associate brokers. Upon notification of passage of the examination, applicants for associate broker licenses, individual broker licenses, or designated broker licenses for corporations, limited liability companies, limited liability partnerships or partnerships must submit a complete license application with the license fee to the department of licensing and qualify for the license under chapter 18.85 RCW and the rules.

AMENDATORY SECTION (Amending WSR 90-23-039, filed 11/15/90, effective 12/16/90)

WAC 308-124A-200 Corporate or copartnership applicants for licenses—Proof required. The minimum qualifications for a corporation, limited liability company, limited liability partnership or partnership to receive a broker's license are:

(1) An officer in the corporation, a manager or member in the limited liability company, a partner in the limited liability partnership or a general partner in the partnership, as the case may be, shall be designated as the broker and shall separately qualify for a valid broker's license. The corporation, limited liability company, limited liability partnership or partnership and the designated broker are required to pay only a single license and license renewal fee.

(2) The applicant shall furnish a character and credit rating of the designated broker, officers, managers or members and principal owners of the corporation or limited liability company directly involved in the company's Washington real estate activity and, in the case of a partnership or limited liability partnership, the general partners and all principal owners. A new credit rating is not required if one has been filed with the department within the preceding eighteen months.

(3) If the applicant is a partnership or limited liability partnership, it shall furnish a copy of its partnership or limited liability partnership agreement.

(4) Licenses issued to corporations, limited liability companies, limited liability partnerships and partnerships expire two years from the date of issuance which date will be the renewal date.

(5) If a corporation applies for licensure as an incorporated associate broker, the associate broker shall be the sole

licensee of the corporation. The renewal period for the incorporated associated broker shall be the same as the renewal period for corporations, limited liability companies, limited liability partnerships or partnerships under this chapter.

AMENDATORY SECTION (Amending Order PM 683, filed 10/7/87)

WAC 308-124A-205 Corporate license renewal—Proof required. Applicants for renewal of a corporate, limited liability company or limited liability partnership license shall furnish proof of current master license renewed by authority of secretary of state.

AMENDATORY SECTION (Amending Order PM 683, filed 10/7/87)

WAC 308-124C-030 Accuracy and accessibility of records. All required real estate records shall be accurate, posted and kept up to date. All required real estate records shall be kept at an address where the real estate broker is licensed to maintain a real estate office. Such records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years. While RCW 18.85.230(20) requires the retention of records for three years, licensees should be aware that the applicable statute of limitations may vary from this three-year retention period.

In the case of a corporate, limited liability company, limited liability partnership or partnership brokerage firm, the responsibility imposed by this section shall apply to both the corporation, limited liability company, limited liability partnership or partnership and the natural person designated and licensed to act as broker for the corporation, limited liability company, limited liability partnership or partnership. Prior to issuing a new license indicating a change of designated broker for a corporate, limited liability company, limited liability partnership or partnership licensee, the licensee must submit evidence that the requirements have been satisfied.

A statement signed by both the outgoing designated broker and the incoming designated broker, listing all outstanding client trust liabilities, copies of trust account bank statements and the latest trust account reconciliations and certifying that funds in hand in the trust account maintained by the licensee are adequate to meet these client trust liabilities will satisfy this requirement. The incoming designated broker shall not be deemed responsible for any discrepancy identified in the statement, unless the incoming designated broker contracted to accept such responsibility.

AMENDATORY SECTION (Amending WSR 90-01-044, filed 12/14/89, effective 1/14/90)

WAC 308-124D-061 Broker supervision of affiliated licensees. (1) Individual and designated brokers shall be responsible for supervising the conduct of all associate brokers and salespersons licensed to them, whether in an individual capacity or through a corporate, limited liability company, limited liability partnership or partnership entity. A broker shall not be held responsible for inadequate supervision if:

(a) An associate broker or salesperson violates a provision of chapter 18.85 RCW, or the rules promulgated thereunder, in contravention of the supervising broker's specific written policies or instructions;

(b) Reasonable procedures had been established to verify that adequate supervision was being performed;

(c) Upon learning of the violation, the broker attempted to prevent or mitigate the damage;

(d) The broker did not participate in the violation;

(e) The broker did not ratify the violation; and

(f) The broker did not attempt to avoid learning of the violation.

(2) The existence of an independent contractor relationship or any other special compensation arrangement between the broker and affiliated licensees shall not release the broker and licensee of any duties, obligations, or responsibilities.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-124F-040 Standards for professional associations and educational organizations.

WSR 97-21-055
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed October 14, 1997, 9:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-067.

Title of Rule: Chapter 308-96A WAC, Vehicle licenses.

Purpose: Implementation of SHB 1008, chapter 291, Laws of 1997, which changed fees for certain special license plates, deletes the centennial plate requirement and deletes the need for criteria for new special license plates.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: Chapter 46.16 RCW.

Summary: SHB 1008 changed the license plate fee for issuance and renewal of several of the special plates. It also deleted references to centennial plates and associated centennial plate fees. It further allowed for setting of criteria for continued issuance of certain special license plates.

Reasons Supporting Proposal: Implementation of SHB 1008, chapter 291, Laws of 1997.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, WA, (360) 902-3718; Implementation: Nancy Kelly, 1125 Washington Street S.E., Olympia, WA, (360) 902-3754; and Enforcement: Evelyn Barker, 1125 Washington Street, S.E., Olympia, WA, (360) 902-3811.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The effects of SHB 1008 increased the fee for issuing the square dancer special license plate from thirty-five dollars to forty dollars. It also authorized establishing

criteria for the continued issuance of certain special license plates. This criteria establishes a three-year period where certain special license plates must be sold at a rate of more than 500 sets of plates per year and more than 1500 sets of plates in any continuous three-year period. If this criteria is not met, the issuance of these certain plates can cease.

Proposal Changes the Following Existing Rules: Amends WAC 308-96A-072 Square dancer license plates, to increase the fee for the issuance of this special plate. Amends WAC 308-96A-550 Vehicle special collegiate license plate, by eliminating the language on the amount the department may deduct from the collegiate license plate fee. SHB 1008 is clearly written in stating the amounts that can be deducted by the department. Amends WAC 308-96A-560 Special vehicle license plates—Criteria, by deleting language that set forth the criteria for applying for a special license plate. The section title is changed to read Special vehicle license plates—Criteria for continued issuance. Language has been added to this section that established numeric criteria for continued issuance of certain special license plates.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Highways-Licenses Building, Conference Room 303, 1125 Washington Street S.E., Olympia, WA 98507, on November 25, 1997, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Pat Zlateff by November 21, 1997, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, FAX (360) 664-0831, by November 21, 1997.

Date of Intended Adoption: December 20, 1997.

October 13, 1997

Nancy Kelly, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 97-07-013, filed 3/11/97, effective 4/11/97)

WAC 308-96A-072 Square dancer license plates. (1) The registered owner or lessee of a vehicle may apply to the department and receive, in lieu of regular vehicle license plates, special square dancer license plates bearing a symbol of a dancer.

(2) Square dancer license plates may be issued ~~((as provided in RCW 46.16.301 (1)(b)))~~ pursuant to RCW 46.16.233 for vehicles required to display two license plates. Vehicles licensed under the provisions of chapter 46.87 RCW are not eligible for square dancer license plates.

(3) A special license plate fee of thirty-five dollars, in addition to all other appropriate fees and taxes, is collected for each set of square dancer license plates issued through December 31, 1997. The special license plate fee is forty dollars effective with square dancer license plates issued January 1, 1998, and thereafter.

AMENDATORY SECTION (Amending WSR 95-11-043, filed 5/10/95, effective 6/10/95)

WAC 308-96A-550 Vehicle special collegiate license plates. (1) The department shall approve an application for special collegiate license plate series pursuant to RCW 46.16.301 (1)(d), as it existed before amendment by section 5, chapter 291, Laws of 1997, from an institution of higher education after determining the following criteria is satisfied:

(a) The special collegiate license plate lettering and color scheme is compatible with the basic license plate design. The plates shall consist of numbers, letters, or figures or any combination thereof not exceeding seven positions that do not conflict with existing license plates. The plate design must provide at least four positions to accommodate serial numbering. A license plate shall not be approved that may carry connotations offensive to good taste or decency, which may be misleading, vulgar in nature, a racial, ethnic lifestyle or gender slur, related to illegal activities or substances, blasphemous, contrary to the department's mission to promote highway safety, or a duplication of other license plates provided in chapter 46.16 RCW.

(b) The special collegiate license plate is designed so that it can be readily recognized by law enforcement personnel as an official Washington state issued license plate. A collegiate license plate design may not be issued in combination with any other license plate configuration or in lieu of any other special, personalized or exempt license plate.

(c) The special collegiate license plate may be issued to all applicants regardless of the applicant's age, gender, religion, race, color, creed, marital status, national origin, disability, or affiliation with an institution of higher education.

(2) The institution shall provide a design including color and dimension specifications of the requested special collegiate license plate series requested with their application. The department shall approve or disapprove the design based on compatibility with the basic license plate's design. A collegiate license plate series shall not be approved that may carry connotations offensive to good taste or decency or which may be misleading.

(3) ~~((The department may deduct an amount from the collegiate license plate fee sufficient to offset the department's plate production costs. The department's production costs are the difference between the costs to purchase a standard set of passenger vehicle license plates and the costs to purchase a set of collegiate license plates. All such amounts deducted shall be deposited with the state treasurer and credited to the motor vehicle fund.~~

(4)) When ownership of a vehicle, issued collegiate license plates, is sold, traded, or otherwise transferred, the owner may relinquish the plates to the new vehicle owner or remove the plates from the vehicle for transfer to a replacement vehicle. If the plates are removed from the vehicle a transfer fee to another vehicle shall be charged as provided in RCW 46.16.316(1). If the registration expiration date for the new vehicle exceeds the old vehicle registration expiration date, an abated fee for the collegiate plate shall be charged at the rate of one-twelfth of the annual collegiate plate fee for each exceeding month and partial month. If the

new registration expiration date is sooner than the old expiration date, a refund shall not be made for the unexpired registration period.

~~((5))~~ (4) Upon the loss, defacement, or destruction of one or both collegiate license plates the owner shall make application for new collegiate or other license plate and pay the fees pursuant to RCW 46.16.270. New collegiate license plates shall be issued bearing the next available license plate number.

AMENDATORY SECTION (Amending WSR 95-11-043, filed 5/10/95, effective 6/10/95)

WAC 308-96A-560 Special vehicle license plates—Criteria for continued issuance. Except those license plates issued under RCW 46.16.301, 46.16.305 and 46.16.324 the department may ~~((approve applications for))~~ discontinue issuing special vehicle license plates ~~((pursuant to RCW 46.16.301 (1)(a), (b), or (c))~~) after determining that ~~((all of the following criteria is satisfied:~~

~~((a) It is reasonable to expect a minimum of one thousand))~~ less than five hundred special license plates in the approved configuration ~~((will be))~~ are purchased ~~((by vehicle owners satisfying the qualifications set forth in the approved application.~~

~~((b) The applicant organization is a local chapter or equivalent of a nationally recognized organization.~~

~~((c) The special license plate is designed so that it can be readily recognized by law enforcement personnel as an official Washington state issued license plate.~~

~~((d) Qualifications for the special license plate do not discriminate between age, sex, religion, gender, race, color, creed, marital status, disability, or national origin. Qualifications may not include being a member of the applicant organization. Purchasers of plates that identify members of professions that are related to public safety, health, and/or welfare may require proof of professional standing.~~

~~((e) The special license plate lettering and color scheme is compatible with the basic license plate design. The plates shall consist of numbers, letters, or figures or any combination thereof not exceeding seven positions that do not conflict with existing license plates. The plate design must provide at least four positions to accommodate serial numbering. The plate may not advertise a product or service. A license plate shall not be approved that may carry connotations offensive to good taste or decency which may be misleading, vulgar in nature, a racial, ethnic lifestyle or gender slur, related to illegal activities or substances, blasphemous, contrary to the department's mission to promote highway safety, or a duplicate of other license plates provided in chapter 46.16 RCW.~~

~~((f) The applicant organization is recognized as a nonprofit entity by Washington state law and the Internal Revenue Service.~~

~~((g) The special license plate has state wide appeal and is not limited to a particular geographic area.~~

~~((h) The applicant organization will not use the special license plate to raise funds or as a qualification for gaining or retaining membership in an organization))~~ annually and no less than one thousand five hundred special license plates are purchased in any continuous three-year period.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-96A-415 Centennial plate issuance.
WAC 308-96A-420 Centennial plate fee.

WSR 97-21-056
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed October 14, 1997, 9:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-026.

Title of Rule: Chapter 308-93 WAC, Vessel registration and certificates of title.

Purpose: Implementation of SHB 5513, chapter 83, Laws of 1997, which adds an additional classification of vessels exempt from registration, excise tax and titling. Creates a new identification document for vessels registered in another jurisdiction which remain in this state for personal use or enjoyment for more than six months in any continuous twelve months.

Statutory Authority for Adoption: RCW 88.02.100.

Statute Being Implemented: RCW 88.02.030.

Summary: The owner of a foreign vessel who operates in the waters of this state for more than sixty days in any continuous twelve months must purchase a special vessel identification document which allows them to operate on the waters of this state for an additional sixty days. A maximum of two vessel identification documents may be purchased in the continuous twelve months.

Reasons Supporting Proposal: Implementation of SHB 5513, chapter 83, Laws of 1997.

Name of Agency Personnel Responsible for Drafting and Enforcement: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, WA, (360) 902-3718; and Implementation: Nancy Kelly, 1125 Washington Street S.E., Olympia, WA, (360) 902-3754.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The owner of a foreign vessel who operates in the waters of this state for more than sixty days in any continuous twelve months must purchase a special vessel identification document which allows them to operate on the waters of this state for an additional sixty days. A maximum of two vessel identification documents may be purchased in the continuous twelve months.

This rule change will provide guidance and direction to the vessel owner on how to apply for the special identification document. It is anticipated that approximately 200 documents will be sold annually.

Proposal Changes the Following Existing Rules: Adds requirements to WAC 308-93-050 Vessels exempt from registration, excise tax and titling, by taking out redundant information. Amends WAC 308-93-640 to reflect the requirements of SSB 5513, chapter 83, Laws of 1997.

Creates new section in chapter 308-93 WAC, Vessel registration and certificates of title. WAC 308-93-055 Foreign vessels operating in this state—Identification document required, guides the owner of a foreign vessel in the requirements for and application for the special identification document.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

RCW 34.05.328 (5)(a) does not apply to this rule adoption.

Hearing Location: Highways-Licenses Building, Conference Room 303, 1125 Washington Street S.E., Olympia, WA 98507, on November 25, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Pat Zlateff by November 21, 1997, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, FAX (360) 902-3718, by November 21, 1997.

Date of Intended Adoption: December 20, 1997.

October 13, 1997

Nancy Kelly, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 96-16-038, filed 8/1/96, effective 9/1/96)

WAC 308-93-050 Vessels exempt from registration, excise tax and titling. The following vessels are exempt from registration, titling, and the assessment of excise tax:

(1) Vessels exempt from registration pursuant to RCW 88.02.030;

~~(2) ((Vessels that have been issued a valid number under federal law or by an approved issuing authority of the state of principal operation, unless the vessel is physically located in this state for a period of more than sixty days in any twelve month period. A vessel that is validly registered in another state but is removed to this state for principal use is subject to titling, registration and assessment of excise taxes, unless otherwise exempt;~~

~~(3))~~ Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States, including but not limited to:

(a) Commercial fishing vessels;

(b) Barges;

(c) Charter vessels, including, bare boat and time share charters((-));

~~((4))~~ (3) Vessels owned by Indian tribes and tribal members as provided in WAC 308-93-700 through 308-93-770;

(4) A vessel that is validly registered in another state but is removed to this state for principal use is subject to titling, registration and assessment of excise taxes on the sixty-first day of being in this state unless otherwise exempt.

NEW SECTION

WAC 308-93-055 Foreign vessels operating in this state—Identification document required. Beginning January 1, 1998, the owner of a foreign vessel having been issued a valid number under federal law or by an approved issuing authority of the state of principal operation, whose vessel is remaining in this state for personal use or enjoyment for more than sixty days must:

(1) Obtain a two month identification document issued by the department, its agents or subagents on or by the sixty-first day;

(2) Indicate when the vessel first came into the state;

(3) Pay a nonrefundable fee of twenty-five dollars plus a filing fee and subagent fee, if applicable, per identification document;

(4) Not use more than two identification documents in any continuous twelve-month period. The twelve months begins on the date the vessel first entered this state;

(5) Keep the identification document placard and receipt on the vessel while on the waters of this state;

(6) Display the identification document placard in a location that is visible at all times from outside the vessel. The placard must be protected from weathering;

(7) Provide proof of nonresidency by showing the vessel's out-of-state registration and out-of-state driver license or out-of-state photo identification at time of application.

AMENDATORY SECTION (Amending Order TL-RG 8, filed 9/13/84)

WAC 308-93-640 Reciprocity. (1) A vessel owned by a resident of another state which is already covered by a number in full force and effect issued to it pursuant to federal laws or a numbering system of such state shall be exempt from registration requirements for a period of (~~sixty days~~) not more than six months in any continuous twelve-month period but only to the extent a similar reciprocity is granted for vessels registered in the state of Washington. However, on or before the sixty-first day of use in this state, the owner of a foreign vessel must obtain a two-month vessel identification document issued by the department, its agents or subagents in accordance with WAC 308-93-055. Vessels either registered or numbered under the laws of a country other than the United States or have a valid United States customs service cruising license are exempt from this requirement.

(2) When a vessel is removed to the state of Washington as a new state of principal use, Washington shall recognize the validity of a number awarded by any other issuing authority for a period of at least sixty days before requiring numbering in this state.

WSR 97-21-071
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed October 15, 1997, 3:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-16-119 on August 6, 1997.

Title of Rule: High voltage electrical, chapter 296-44 WAC.

Purpose: Chapter 296-44 WAC, Safety standards—Electrical construction code, the Department of Labor and Industries and a subcommittee of the Electrical Utilities Safety Advisory Committee (EUSAC) have been working together to review the high voltage electrical safety and health standards.

One of the standards reviewed was chapter 296-44 WAC, Safety standards—Electrical construction code. The chapter's existing content restates the requirements of the National Electrical Safety Code (NESC) ANSI C.2 relating to the specifications for clearances, dimensions, voltages, and other conditions necessary in the construction and maintenance of high voltage electrical facilities. Whenever the National Electrical Safety Code changes, chapter 296-44 WAC must also be updated which requires a lengthy legal promulgation process as required by the Administrative Procedure Act, chapter 34.05 RCW. As a result, the standard has not kept current with the NESC.

Because chapter 296-44 WAC's purpose is merely to restate the National Electrical Safety Code, the EUSAC and the department agreed that NESC ANSI C.2 should be "referenced" in chapter 296-45 WAC, Safety Standards—Electrical workers. This amendment (which will be proposed in a separate filing package) will not change the applicability of NESC ANSI C.2 to the high voltage electrical industry, but will eliminate the need for chapter 296-44 WAC, and the need to update the standard each time the National Electrical Safety Code is updated.

Therefore, the department is proposing to repeal chapter 296-44 WAC in its entirety. The following sections are proposed to be repealed: WAC 296-44-005 Preface, 296-44-010 Definitions of special terms, 296-44-011 Definitions of special terms applicable to this chapter, 296-44-013 Purpose and scope, 296-44-015 Lines constructed prior to these rules, 296-44-016 Applicability, 296-44-017 References, 296-44-023 Grounding methods for electric supply and communication facilities, 296-44-02301 Purpose, 296-44-02305 Scope, 296-44-02309 Point of connection of grounding conductor, 296-44-02315 Grounding conductor and means of connection, 296-44-02319 Grounding electrodes, 296-44-02323 Method of connection to electrode, 296-44-02329 Ground resistance, 296-44-02335 Separation of grounding conductors, 296-44-02349 Grounding methods for telephone and other communication apparatus on circuits exposed to supply lines or lightning, 296-44-025 Applicability of rules—Lines constructed prior to these rules, 296-44-035 Rules for the installation and maintenance of electric supply stations and equipment, 296-44-03505 Purpose, 296-44-03509 Scope, 296-44-041 Protective arrangements in electric supply stations, 296-44-04105 General requirements, 296-44-04109 Illumination, 296-44-04125 Floor, floor openings, passageways, stairs, 296-44-04129 Exits, 296-44-04135 Fire extinguishing equipment, 296-44-051 Installation and maintenance of equipment, 296-44-05105 General requirements, 296-44-05109 Inspections, 296-44-05115 Guarding shaft end pulleys, belts and suddenly moving parts, 296-44-05119 Protective grounding, 296-44-05125 Guarding live parts, 296-44-05129 Working space about electric equipment, 296-

44-05131 Equipment for work on energized parts, 296-44-05135 Classified locations, 296-44-05141 Identification, 296-44-065 Rotating equipment, 296-44-06505 Speed control and stopping devices, 296-44-06511 Motor control, 296-44-06517 Mobile hydrogen equipment, 296-44-074 Storage batteries, 296-44-07405 General, 296-44-07411 Location, 296-44-07417 Ventilation, 296-44-07423 Racks, 296-44-07427 Floors in battery areas, 296-44-07433 Illumination for battery areas, 296-44-07439 Service facilities, 296-44-086 Transformers and regulators, 296-44-08605 Current-transformer secondary circuits protection when exceeding 600 volts, 296-44-08611 Grounding secondary circuits of instrument transformers, 296-44-08619 Location and arrangement of power transformers and regulators, 296-44-098 Conductors, 296-44-09805 Electrical protection, 296-44-09811 Mechanical protection, 296-44-09819 Isolation, 296-44-09826 Conductor terminations, 296-44-110 Circuit breakers, reclosers, switches and fuses, 296-44-11005 Arrangement, 296-44-11021 Application, 296-44-11029 Circuit breakers, reclosers and switches containing oil, 296-44-11035 Switches and disconnecting devices, 296-44-11041 Disconnection of fuses, 296-44-125 Switchgear and metal enclosed bus, 296-44-12505 Switchgear assemblies, 296-44-12515 Metal enclosed bus, 296-44-134 Surge arresters, 296-44-13405 General requirements, 296-44-13415 Indoor locations, 296-44-13421 Grounding conductors, 296-44-13431 Installation, 296-44-170 Safety rules for the installation and maintenance of overhead electric supply and communication lines, 296-44-17005 Purpose, 296-44-17017 Scope, 296-44-17029 Application of rules, 296-44-182 General requirements, 296-44-18205 Referenced sections, 296-44-18225 Induced voltages, 296-44-18239 Accessibility, 296-44-18250 Inspection and tests of lines and equipment, 296-44-18261 Grounding of circuits, supporting structures, and equipment, 296-44-18273 Arrangement of switches, 296-44-194 Relations between various classes of lines, 296-44-19405 Relative levels, 296-44-19421 Avoidance of conflict, 296-44-19433 Joint use of structures, 296-44-212 Clearances, 296-44-21209 General, 296-44-21221 Clearances of supporting structures from other objects, 296-44-21230 Vertical clearance of wires, conductors, cables, and live parts of equipment above ground, rails, or water, 296-44-21241 Clearances between wires, conductors, and cables carried on different supporting structures, 296-44-21253 Clearance of wires, conductors, and cables from buildings, bridges, rail cars, swimming pools, and other installations, 296-44-21265 Clearance for wires, conductors, or cables carried on the same supporting structure, 296-44-21273 Climbing space, 296-44-21279 Working space, 296-44-21287 Vertical clearance between certain communication and supply facilities located on the same structure, 296-44-21295 Clearances of vertical and lateral conductors from other wires and surfaces on the same support, 296-44-242 Grades of construction, 296-44-24205 General, 296-44-24213 Application of grades of construction to different situations, 296-44-24221 Grades of construction for conductors, 296-44-24233 Grades of construction for line supports, 296-44-263 Loading for Grades B, C, and D, 296-44-26309 General loading requirements and maps, 296-44-26321 Conductor loading, 296-44-26333 Loads upon line supports, 296-44-278 Strength requirements, 296-44-27809 Preliminary assumptions, 296-44-27821 Grades B and C construction, 296-44-

27833 Grade D construction, 296-44-27847 Grade N construction, 296-44-29501 Line insulation, 296-44-29509 Application of rule, 296-44-29515 Material and marking, 296-44-29523 Ratio of flashover to puncture voltage, 296-44-29529 Insulation level, 296-44-29539 Factory tests, 296-44-29541 Special insulator applications, 296-44-29551 Protection against arcing and other damage, 296-44-29563 Mechanical strength of insulators, 296-44-29572 Aerial cable systems, 296-44-317 Miscellaneous requirements, 296-44-31709 Structures for overhead lines, 296-44-31719 Tree trimming, 296-44-31729 Guying and bracing, 296-44-31738 Insulators in guys attached to supporting structures, 296-44-31749 Span-wire insulators, 296-44-31757 Overhead conductors, 296-44-31765 Equipment on supporting structures, 296-44-31772 Communications protective requirements, 296-44-31783 Circuits of one class used exclusively in the operation of circuits of another class, 296-44-31792 Electric railway construction, 296-44-350 Safety rules for the installation and maintenance of underground electric-supply and communication lines, 296-44-35009 Purpose, 296-44-35021 Scope, 296-44-365 General requirements applying to underground lines, 296-44-36518 Installation and maintenance, 296-44-36527 Accessibility, 296-44-36539 Inspection and tests of lines and equipment, 296-44-36551 Grounding of circuits and equipment, 296-44-36563 Communication protective requirements, 296-44-36575 Induced voltage, 296-44-370 Strength requirements—Grade N construction, 296-44-386 Underground conduit systems, 296-44-38609 Location, 296-44-38628 Excavation and backfill, 296-44-38641 Ducts and joints, 296-44-38653 Manholes, handholes and vaults, 296-44-398 Supply cable, 296-44-39809 General, 296-44-39823 Sheaths and jackets, 296-44-39842 Shielding, 296-44-39855 Cable accessories and joints, 296-44-413 Cable in underground structures, 296-44-41309 General, 296-44-41321 Installation, 296-44-41333 Grounding and bonding, 296-44-41341 Fireproofing, 296-44-41359 Communication cables containing special supply circuits, 296-44-425 Direct buried cable, 296-44-42509 General, 296-44-42521 Location and routing, 296-44-42533 Clearances from other underground structures (sewers, water lines, fuel lines, building foundations, steam lines, other supply or communication conductors not in random separation, etc.), 296-44-42541 Installation, 296-44-42559 Random separation—Additional requirements, 296-44-440 Risers, 296-44-44009 General, 296-44-44021 Installation, 296-44-44033 Pole risers—Additional requirements, 296-44-44047 Pad-mounted installations, 296-44-452 Supply cable terminations, 296-44-45209 General, 296-44-45219 Support at terminations, 296-44-45231 Identification, 296-44-45243 Separations and clearances in enclosures or vaults, 296-44-45257 Grounding, 296-44-467 Equipment, 296-44-46709 General, 296-44-46733 Design, 296-44-46739 Location in underground structures, 296-44-46747 Installation, 296-44-46755 Grounding, 296-44-46761 Identification, 296-44-491 Installation in tunnels, 296-44-49109 General, 296-44-49121 Environment, 296-44-850 Pole lines that overbuild or underbuild existing pole lines, 296-44-855 High potential lines overbuilding telephone, telegraph, or signal wires, 296-44-860 Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—General requirements, 296-44-865 Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—Loads, 296-44-870 Crossings over railroads, street railroads,

October 15, 1997

Gary Moore

Director

telephone, telegraph, signal or other power lines—Factors of safety, 296-44-875 Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—Working unit stresses, 296-44-880 Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—Clearance, 296-44-88001 Figure 1—Ground wire clearance, 296-44-88002 Figure 2—Basic wire crossing clearance, 296-44-88003 Figure 5—Clearances above ground for underground risers and horizontal clearance of poles from hydrants, curbs and railroads, 296-44-88004 Illustration—Working space, 296-44-88005 Figures 6.A - 9.A—Clearances, 296-44-88006 Figure—Climbing space, 296-44-88007 Illustration—Climbing space, 296-44-88008 Illustration—Climbing space, 296-44-88009 Illustration—Footnote 7 of Table 11—Climbing space, 296-44-88010 Figure 11.A—Minimum vertical separation between horizontal crossarms, and 296-44-88011 Illustration—Climbing space—Location and spacing of crossarms.

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

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above. No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has considered whether the proposed rules are subject to the Regulatory Fairness Act and has determined that an SBEIS is not required because the proposal does not have the potential of placing an economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria does not apply to these rule amendments because they meet the exempt criteria outlined in RCW 34.05.328 (5)(b)(iii) and (iv). Significant rule-making criteria does not apply when adopting federal statutes or regulations without material change, or when adopting rules to correct information that is housekeeping in nature (typographical errors, address/name changes, or clarification of rule language without changing its effect).

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on December 3, 1997, at 9:30 a.m.

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

Submit Written Comments to: Tracy Spencer, Standards Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, by 5:00 p.m. on December 10, 1997. In addition to written comments, the department will accept comments submitted to FAX (360) 902-5529. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: February 27, 1998.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-44-005	Preface.
WAC 296-44-010	Definitions of special terms.
WAC 296-44-011	Definitions of special terms applicable to this chapter.
WAC 296-44-013	Purpose and scope.
WAC 296-44-015	Lines constructed prior to these rules.
WAC 296-44-016	Applicability.
WAC 296-44-017	References.
WAC 296-44-023	Grounding methods for electric supply and communication facilities.
WAC 296-44-02301	Purpose.
WAC 296-44-02305	Scope.
WAC 296-44-02309	Point of connection of grounding conductor.
WAC 296-44-02315	Grounding conductor and means of connection.
WAC 296-44-02319	Grounding electrodes.
WAC 296-44-02323	Method of connection to electrode.
WAC 296-44-02329	Ground resistance.
WAC 296-44-02335	Separation of grounding conductors.
WAC 296-44-02349	Grounding methods for telephone and other communication apparatus on circuits exposed to supply lines or lighting.
WAC 296-44-025	Applicability of rules—Lines constructed prior to these rules.
WAC 296-44-035	Rules for the installation and maintenance of electric supply stations and equipment.
WAC 296-44-03505	Purpose.
WAC 296-44-03509	Scope.
WAC 296-44-041	Protective arrangements in electric supply stations.
WAC 296-44-04105	General requirements.
WAC 296-44-04109	Illumination.
WAC 296-44-04125	Floor, floor openings, passageways, stairs.
WAC 296-44-04129	Exits.
WAC 296-44-04135	Fire extinguishing equipment.
WAC 296-44-051	Installation and maintenance of equipment.
WAC 296-44-05105	General requirements.
WAC 296-44-05109	Inspections.
WAC 296-44-05115	Guarding shaft ends, pulleys, belts and suddenly moving parts.
WAC 296-44-05119	Protective grounding.
WAC 296-44-05125	Guarding live parts.

- WAC 296-44-05129 Working space about electric equipment.
- WAC 296-44-05131 Equipment for work on energized parts.
- WAC 296-44-05135 Classified locations.
- WAC 296-44-05141 Identification.
- WAC 296-44-065 Rotating equipment.
- WAC 296-44-06505 Speed control and stopping devices.
- WAC 296-44-06511 Motor control.
- WAC 296-44-06517 Mobile hydrogen equipment.
- WAC 296-44-074 Storage batteries.
- WAC 296-44-07405 General.
- WAC 296-44-07411 Location.
- WAC 296-44-07417 Ventilation.
- WAC 296-44-07423 Racks.
- WAC 296-44-07427 Floors in battery areas.
- WAC 296-44-07433 Illumination for battery areas.
- WAC 296-44-07439 Service facilities.
- WAC 296-44-086 Transformers and regulators.
- WAC 296-44-08605 Current-transformer secondary circuits protection when exceeding 600 volts.
- WAC 296-44-08611 Grounding secondary circuits of instrument transformers.
- WAC 296-44-08619 Location and arrangement of power transformers and regulators.
- WAC 296-44-098 Conductors.
- WAC 296-44-09805 Electrical protection.
- WAC 296-44-09811 Mechanical protection.
- WAC 296-44-09819 Isolation.
- WAC 296-44-09826 Conductor terminations.
- WAC 296-44-110 Circuit breakers, reclosers, switches and fuses.
- WAC 296-44-11005 Arrangement.
- WAC 296-44-11021 Application.
- WAC 296-44-11029 Circuit breakers, reclosers and switches containing oil.
- WAC 296-44-11035 Switches and disconnecting devices.
- WAC 296-44-11041 Disconnection of fuses.
- WAC 296-44-125 Switchgear and metal enclosed bus.
- WAC 296-44-12505 Switchgear assemblies.
- WAC 296-44-12515 Metal enclosed bus.
- WAC 296-44-134 Surge arresters.
- WAC 296-44-13405 General requirements.
- WAC 296-44-13415 Indoor locations.
- WAC 296-44-13421 Grounding conductors.
- WAC 296-44-13431 Installation.
- WAC 296-44-170 Safety rules for the installation and maintenance of overhead electric supply and communication lines.
- WAC 296-44-17005 Purpose.
- WAC 296-44-17017 Scope.
- WAC 296-44-17029 Application of rules.
- WAC 296-44-182 General requirements.
- WAC 296-44-18205 Referenced sections.
- WAC 296-44-18225 Induced voltages.
- WAC 296-44-18239 Accessibility.
- WAC 296-44-18250 Inspection and tests of lines and equipment.
- WAC 296-44-18261 Grounding of circuits, supporting structures, and equipment.
- WAC 296-44-18273 Arrangement of switches.
- WAC 296-44-194 Relations between various classes of lines.
- WAC 296-44-19405 Relative levels.
- WAC 296-44-19421 Avoidance of conflict.
- WAC 296-44-19433 Joint use of structures.
- WAC 296-44-212 Clearances.
- WAC 296-44-21209 General.
- WAC 296-44-21221 Clearances of supporting structures from other objects.
- WAC 296-44-21230 Vertical clearance of wires, conductors, cables, and live parts of equipment above ground, rails, or water.
- WAC 296-44-21241 Clearances between wires, conductors, and cables carried on different supporting structures.
- WAC 296-44-21253 Clearance of wires, conductors, and cables from buildings, bridges, rail cars, swimming pools, and other installations.
- WAC 296-44-21265 Clearance for wires, conductors, or cables carried on the same supporting structure.
- WAC 296-44-21273 Climbing space.
- WAC 296-44-21279 Working space.
- WAC 296-44-21287 Vertical clearance between certain communication and supply facilities located on the same structure.
- WAC 296-44-21295 Clearances of vertical and lateral conductors from other wires and surfaces on the same support.
- WAC 296-44-242 Grades of construction.
- WAC 296-44-24205 General.
- WAC 296-44-24213 Application of grades of construction to different situations.
- WAC 296-44-24221 Grades of construction for conductors.
- WAC 296-44-24233 Grades of construction for line supports.
- WAC 296-44-263 Loading for Grades B, C, and D.
- WAC 296-44-26309 General loading requirements and maps.
- WAC 296-44-26321 Conductor loading.
- WAC 296-44-26333 Loads upon line supports.
- WAC 296-44-278 Strength requirements.
- WAC 296-44-27809 Preliminary assumptions.
- WAC 296-44-27821 Grades B and C construction.
- WAC 296-44-27833 Grade D construction.
- WAC 296-44-27847 Grade N construction.
- WAC 296-44-29501 Line insulation.
- WAC 296-44-29509 Application of rule.
- WAC 296-44-29515 Material and marking.

WAC 296-44-29523	Ratio of flashover to puncture voltage.	WAC 296-44-41359	Communication cables containing special supply circuits.
WAC 296-44-29529	Insulation level.	WAC 296-44-425	Direct buried cable.
WAC 296-44-29539	Factory tests.	WAC 296-44-42509	General.
WAC 296-44-29541	Special insulator applications.	WAC 296-44-42521	Location and routing.
WAC 296-44-29551	Protection against arcing and other damage.	WAC 296-44-42533	Clearances from other underground structures (sewers, water lines, fuel lines, building foundations, steam lines, other supply or communication conductors not in random separation, etc.).
WAC 296-44-29563	Mechanical strength of insulators.	WAC 296-44-42541	Installation.
WAC 296-44-29572	Aerial cable systems.	WAC 296-44-42559	Random separation—Additional requirements.
WAC 296-44-317	Miscellaneous requirements.	WAC 296-44-440	Risers.
WAC 296-44-31709	Structures for overhead lines.	WAC 296-44-44009	General.
WAC 296-44-31719	Tree trimming.	WAC 296-44-44021	Installation.
WAC 296-44-31729	Guying and bracing.	WAC 296-44-44033	Pole risers—Additional requirements.
WAC 296-44-31738	Insulators in guys attached to supporting structures.	WAC 296-44-44047	Pad-mounted installations.
WAC 296-44-31749	Span-wire insulators.	WAC 296-44-452	Supply cable terminations.
WAC 296-44-31757	Overhead conductors.	WAC 296-44-45209	General.
WAC 296-44-31765	Equipment on supporting structures.	WAC 296-44-45219	Support at terminations.
WAC 296-44-31772	Communications protective requirements.	WAC 296-44-45231	Identification.
WAC 296-44-31783	Circuits of one class used exclusively in the operation of circuits of another class.	WAC 296-44-45243	Separations and clearances in enclosures or vaults.
WAC 296-44-31792	Electric railway construction.	WAC 296-44-45257	Grounding.
WAC 296-44-350	Safety rules for the installation and maintenance of underground electric-supply and communication lines.	WAC 296-44-467	Equipment.
WAC 296-44-35009	Purpose.	WAC 296-44-46709	General.
WAC 296-44-35021	Scope.	WAC 296-44-46733	Design.
WAC 296-44-365	General requirements applying to underground lines.	WAC 296-44-46739	Location in underground structures.
WAC 296-44-36518	Installation and maintenance.	WAC 296-44-46747	Installation.
WAC 296-44-36527	Accessibility.	WAC 296-44-46755	Grounding.
WAC 296-44-36539	Inspection and tests of lines and equipment.	WAC 296-44-46761	Identification.
WAC 296-44-36551	Grounding of circuits and equipment.	WAC 296-44-491	Installation in tunnels.
WAC 296-44-36563	Communication protective requirements.	WAC 296-44-49109	General.
WAC 296-44-36575	Induced voltage.	WAC 296-44-49121	Environment.
WAC 296-44-370	Strength requirements—Grade N construction.	WAC 296-44-850	Pole lines that overbuild or underbuild existing pole lines.
WAC 296-44-386	Underground conduit systems.	WAC 296-44-855	High potential lines overbuilding telephone, telegraph, or signal wires.
WAC 296-44-38609	Location.	WAC 296-44-860	Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—General requirements.
WAC 296-44-38628	Excavation and backfill.	WAC 296-44-865	Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—Loads.
WAC 296-44-38641	Ducts and joints.	WAC 296-44-870	Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—Factors of safety.
WAC 296-44-38653	Manholes, handholes and vaults.	WAC 296-44-875	Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—Working unit stresses.
WAC 296-44-398	Supply cable.	WAC 296-44-880	Crossings over railroads, street railroads, telephone, telegraph,
WAC 296-44-39809	General.		
WAC 296-44-39823	Sheaths and jackets.		
WAC 296-44-39842	Shielding.		
WAC 296-44-39855	Cable accessories and joints.		
WAC 296-44-413	Cable in underground structures.		
WAC 296-44-41309	General.		
WAC 296-44-41321	Installation.		
WAC 296-44-41333	Grounding and bonding.		
WAC 296-44-41341	Fireproofing.		

- signal or other power lines—
Clearance.
- WAC 296-44-88001 Figure 1—Ground wire clear-
ance.
- WAC 296-44-88002 Figure 2—Basic wire crossing
clearance.
- WAC 296-44-88003 Figure 5—Clearances above
ground for underground risers
and horizontal clearance of
poles from hydrants, curbs and
railroads.
- WAC 296-44-88004 Illustration—Working space.
- WAC 296-44-88005 Figures 6.A - 9.A—Clearances.
- WAC 296-44-88006 Figure—Climbing space.
- WAC 296-44-88007 Illustration—Climbing space.
- WAC 296-44-88008 Illustration—Climbing space.
- WAC 296-44-88009 Illustration—Footnote 7 of
Table 11—Climbing space.
- WAC 296-44-88010 Figure 11.A—Minimum vertical
separation between horizon-
tal crossarms.
- WAC 296-44-88011 Illustration—Climbing space—
Location and spacing of
crossarms.

use for purposes relating to organizational effectiveness or improvement of job-related skills of a state officer or employee; provides guidance for the content of electronic mail messages.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposed rule is applicable to state officers and state employees and does not affect small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Meets the conditions for exemption specified under section 201, chapter 403, Laws of 1995, subsection (5)(b)(iii), (iv), and (v).

Hearing Location: Attorney General's Conference Center, 4224 6th Avenue S.E., Building 1, Olympia, WA 98504-0100, on February 13, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Patti Hurn, Clerk, TTY (360) 586-3265, or (360) 753-6200.

Submit Written Comments to: Margaret A. Grimaldi, Board Secretary, Executive Ethics Board, P.O. Box 40100, Olympia, WA 98504-0100, FAX (360) 664-0229, by December 31, 1997.

Date of Intended Adoption: At the meeting following the public hearing on February 13, 1998.

October 16, 1997
Margaret A. Grimaldi
Board Secretary

WSR 97-21-076
PROPOSED RULES
EXECUTIVE ETHICS BOARD
[Filed October 17, 1997, 11:55 a.m.]

EXECUTIVE ETHICS BOARD
CHAPTER 292-110 WAC
AGENCY SUBSTANTIVE RULES

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-13-006.

Title of Rule: Use of state resources.

Purpose: To amend WAC 292-110-010.

Statutory Authority for Adoption: RCW 42.52.360 (2)(b), 42.52.160(3).

Statute Being Implemented: Chapter 42.52 RCW.

Summary: Establishes a policy statement on the use of state resources. Allows de minimis use when related to organizational effectiveness or job-related skills. Contains guidelines for transmission of electronic mail messages.

Reasons Supporting Proposal: Current WAC contains broad language not supported by provisions in chapter 42.52 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Margaret A. Grimaldi, P.O. Box 40100, Olympia, (360) 664-0871.

Name of Proponent: Washington State Executive Ethics Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Clarifies ethics standards relating to appropriate and inappropriate uses of state resources and incorporates examples to describe acceptable and unacceptable uses. By providing clear guidance to state officers and employees, violations of RCW 42.52.160 may be prevented.

Proposal Changes the Following Existing Rules: Rule would establish clear policy guidance for use of state resources. Further clarifies the term de minimis. Allows

REVISED SECTION [AMENDATORY SECTION (Amending WSR 96-01-036, filed 12/13/95, effective 1/13/96)]

WAC 292-110-010 Use of state resources. State officers and employees are obligated to conserve and protect state resources for the benefit of the public interest, and to ensure that state resources are used to support and enhance the performance of official duties and responsibilities on behalf of the public. When use of state resources supports organizational effectiveness, is reasonable and of negligible cost, and does not violate an established ethics law, such use would not undermine public trust and confidence. However, responsibility and accountability for the appropriate use of state resources ultimately rests with the individual state officer and state employee, or with the state officer or state employee who authorizes use.

(1) No state officer or state employee may use state resources including any person, money, or property under the officer's or employee's official control or direction or in his or her custody for private benefit or gain of the officer or employee or any other person; PROVIDED, that this prohibition does not apply to the use of public resources to benefit another person as part of the officer's or employee's official duties.

(2) Under circumstances described in sections three and four of this rule, a state officer or employee may make occasional but limited use of state resources ~~for his or her private benefit~~ for other than official state purposes if there is no actual cost to the state or the cost to the state is de minimis. The cost to the state is de minimis if the actual

expenditure of state funds is so small as to be insignificant or negligible.

(3) Notwithstanding the prohibition in section one of this rule, a state officer or employee may make occasional but limited use of state resources ~~for his or her private benefit for other than official state purposes only, if:~~

(a) there is no cost to the state; and

(b) the use of state resources does not interfere with the performance of the officer's or employee's official duties; and,

(c) the use is brief in duration and accumulation; and,

(d) the use does not compromise the security or integrity of state information or software.

(4) Occasional and limited use of state resources use does not include the following private uses of state resources:

(a) a use for the purpose of conducting an outside business;

(b) a use for the purpose of supporting, promoting, or soliciting for an outside organization or group unless provided for by law;

(c) a campaign or political use;

(d) commercial uses such as advertising or selling; or,

(e) an illegal activity.

Example 1: An employee makes a local telephone call or sends an e-mail communication to his home on his break to make sure his children have arrived home safely from school. This is not an ethical violation. There is no cost to the state, the call or e-mail is brief in duration, and since the call communication takes place on the employee's break it will not interfere with the performance of the employee's duties.

~~Example 2: An employee operates an outside business. Everyday she makes or receives five to ten business calls on her state telephone. All of the calls are local calls. This is an ethical violation. Although there is no cost to the state, making and receiving private calls throughout the day interferes with the performance of the employee's official duties because she is conducting private business during working hours.~~

Example 2: An employee is active in a local PTA organization. Every year, this organization sponsors a series of fundraising events to send a group of children to the nation's capital. Although a parental contribution is expected, the more a member raises, the less the parental contribution. An employee uses agency e-mail to solicit contributions for her child. This is an ethical violation. The employee is using state resources for her private benefit, and is promoting fundraising events for an outside organization.

~~Example 3: An employee posts a notice to sell a used car on the office bulletin board. The notice gives his home telephone number for those interested in inquiring about the car. This is not an ethical violation. There is no cost to the state and posting the notice will not interfere with the performance~~

~~of official duties since those who want to inquire about the car can call the employee at home.~~

Example 3: An employee operates an outside business. Everyday she makes or receives five to ten business calls on her state telephone. All of the calls are local calls. This is an ethical violation. Although there is no cost to the state, the employee is conducting a private business on state time, and the calls are not brief in duration and accumulation.

Example 4: Every spring a group of employees meets ~~at~~ during lunch ~~time~~ to organize an agency softball team. The meeting is held in a conference room that is not needed for agency business during the lunch hour. This is not an ethical violation. There is no cost to the state and since the meeting takes place during the lunch hour it does not interfere with the performance of the employees' official duties.

(5) Notwithstanding the prohibition in section one of this rule, a state officer or employee may make occasional use of state resources ~~for his or her private benefit, if:~~

(a) the cost to the state is de minimis;

(b) the use of state resources does not interfere with the performance of the officer's or employee's official duties; ~~and~~

(c) the use is brief in duration and accumulation; and,

(d) the agency finds that there is some benefit to the public in addition to the private benefit to the officer or employee; a public benefit under this rule may be direct or indirect, such as improving employee morale the use promotes organizational effectiveness or activities that improve the work related job skills of an officer or employee; and,

(e) the use does not compromise the security or integrity of state information or software.

Example 5: An employee is taking a night school class and uses her computer to do her homework after working hours. She prints her homework using the office printer and her own paper. The agency has determined that the class will enhance the employee's job skills. This is not an ethical violation. The use of the office computer and printer will result in some cost to the state but the cost is negligible and the employee is using her own paper. Because the class will enhance the employee's job skills ~~there is a public benefit,~~ the effectiveness of the organization is improved. ~~and,~~ ~~Since the activity takes place after working hours, it will not interfere with the performance of the employee's official duties.~~

Example 6: A state agency installs a network to provide its employees with access to the Internet for official business purposes. The agency sends its employees to an Internet training class, and sets up an in-house training room equipped with computers. The agency encourages employees to "surf the net" using the in-house training room during the lunch hour to familiarize themselves with Internet use. This is not an ethical violation. Having

employees well trained in Internet resources improves organizational effectiveness; "surfing the net" during the lunch hour does not interfere with the performance of official duties, and there is a negligible cost to the state.

Example 7: After working hours an employee uses the office computer and printer to compose and print reports for his private business using his own paper. This is an ethical violation. ~~The use of the office computer and printer will result in some cost to the state. Although the cost is negligible, there is no public benefit to the state from the employee's conducting his private business. Although use of the office computer and printer results in a negligible cost to the state, conducting a private business is an inappropriate use of state resources.~~

(6) Use of state resources pursuant to sections three and ~~four~~ five of this rule is subject to the following qualifications and limitations:

(a) A state officer or employee may not use state resources for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Such a use of state resources is not authorized by this rule and is specifically prohibited by RCW 42.52.180, subject to the exceptions in RCW 42.52.180(2).

(b) A state officer or employee may not make private or personal use of any state property which has been removed from state facilities or other official duty stations, even if there is no cost to the state.

Example 8: Agency equipment includes a video tape player. One night an employee takes the machine home to watch videos of her family vacation. This is an ethical violation. Although there is no cost to the state an employee may not make private use of state equipment removed from state facilities or other official duty station.

Example 9: An employee is assigned to do temporary work in another city away from his usual duty station. To perform his official duties the employee takes an office laptop computer which he has checked out for this purpose from the agency. While away, the employee attends a lecture at a local university during his non-working hours, and takes notes on the laptop. This is an ethical violation. Although it is permissible for the employee to use the laptop at a temporary duty station, it is not permissible for him to use it to take lecture notes.

(c) A state officer or employee may not make private use of any state property which is consumable such as paper, envelopes or spare parts, even if the actual cost to the state is de minimis.

(d) A state officer or employee may ~~make private~~ use of state computers and electronic mail provided such use conforms to ethical standards under section ~~three~~ five of this rule, and the prohibitions contained in section four.

(e) A state officer or employee may ~~not make private use of state computers or and other equipment to access no-~~

~~cost computer networks or other databases including, but not limited to, electronic mail and electronic bulletin boards for personal a use unrelated to an official business purpose.~~

Example 10: An employee uses her agency computer to send electronic mail to another employee regarding the agenda for an agency meeting that both will attend. She also wishes the other employee a happy birthday. This is not an ethical violation. ~~Although there is personal communication in the message, the message was sent for an official business purpose.~~ The personal message is de minimis and improves organizational effectiveness by allowing informal communication among employees.

Example 11: An employee routinely uses the Internet to manage her investment portfolio and communicate information to her broker. This is an ethical violation. Although there is no cost to the state, the employee is conducting her private business using state resources.

(f) In general, a state officer or employee may not make private use of state resources and then reimburse the agency so there is no actual cost to the state. However, the board recognizes that in some limited situations, such as officers or employees working at remote locations, a system of reimbursement may be appropriate. Any system of reimbursement must be established by the agency in advance and must result in no cost to the state. To be valid under this rule a reimbursement system must be approved by the board.

(7) Electronic mail is not analogous to telephone use. Electronic mail is not private; its source is clearly identifiable; and, it is subject to public disclosure requirements. Consequently, electronic mail communications may remain part of the state's records long after the employee "deletes" the communication. If a state officer or employee represents an opinion or viewpoint that does not reflect the official position of the agency, such communications should carry an appropriate disclaimer.

(8) State agencies are encouraged to adopt policies applying these principles to their unique circumstances. Nothing in this rule is intended to limit the ability of an agency to adopt policies that are more restrictive. ~~However~~ Although violation of a more restrictive agency policy by itself will not constitute a violation of RCW 42.52.160, ~~but~~ it would constitute a violation of agency policy.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

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

WSR 97-21-081
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed October 17, 1997, 3:16 p.m.]

Please withdraw WAC 388-86-090, filed for possible repeal in WSR 97-19-102. The remainder of rules filed in WSR 97-19-102 are still being considered for repeal.

Merry Kogut, Manager
 Rules and Policies Assistance Unit

WSR 97-21-092
PROPOSED RULES
HORSE RACING COMMISSION

[Filed October 20, 1997, 11:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-086.

Title of Rule: Chapter 260-24 WAC, Association officials and employees.

Purpose: Repeal existing WAC 260-24-010 through 260-24-480 and replace with nationally adopted model rules beginning with WAC 260-24-500 through 260-24-700.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: These rules with [will] bring Washington in compliance with other jurisdictions in uniform model rules regarding association officials and employees.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rule changes will bring Washington into compliance with the nationally accepted model rules regarding association officials and employees.

Proposal Changes the Following Existing Rules: Repeal existing rules WAC 260-24-010 through 260-24-480 and replace with WAC 260-24-500 through 260-24-700.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These changes will not affect more than 20% or less than 10% of the populations. A small business economic impact statement was not prepared.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, on December 2, 1997, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Bruce Batson by December 1, 1997, (360) 459-6462.

Submit Written Comments to: Bruce Batson, Executive Secretary, FAX (360) 459-6461, by December 1, 1997.

Date of Intended Adoption: December 2, 1997.

October 20, 1997
 Bruce Batson
 Executive Secretary

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 260-24-010 Officials enumerated.
- 260-24-020 Officials—Duties—Qualifications.
- 260-24-030 Submittal of roster to commission—Approval—Substitutions.
- 260-24-040 Disqualification for acting at unrecognized meeting.
- 260-24-050 Trafficking in horses, contracts, insurance, prohibited.
- 260-24-060 Wagering prohibited.
- 260-24-070 Duty to report violations of rules.
- 260-24-080 Clerk of the scales.
- 260-24-090 Handicapper.
- 260-24-100 Mutuel manager.
- 260-24-110 Paddock judge.
- 260-24-120 Patrol judges.
- 260-24-130 Placing judges.
- 260-24-140 Racing secretary—General duties.
- 260-24-150 Racing secretary—Official program for each racing day.
- 260-24-160 Racing secretary—To keep record of all races.
- 260-24-170 Racing secretary—Duties with regard to stabling.
- 260-24-180 Racing secretary—List of entries—Posting—Available to newspapers.
- 260-24-190 Starter—Duties at start of race.
- 260-24-200 Starter—Appointment of assistants—Misconduct toward jockeys.
- 260-24-210 Starter—Schooling of horses.
- 260-24-220 Starter—To approve entries of two year olds.
- 260-24-230 Starter—May fine and suspend jockeys.
- 260-24-240 Stewards—Responsibility to commission.
- 260-24-250 Stewards—Authority over personnel and grounds.
- 260-24-260 Stewards—Powers as to cases not covered by rules—Increased penalties.
- 260-24-270 Stewards—Supervision of entries and declarations.
- 260-24-280 Stewards—Authority to award punishment.
- 260-24-290 Stewards—Inspection of documents.
- 260-24-300 Stewards—Determining disqualifications in case of fouls.
- 260-24-310 Stewards—Duty hours—Sessions.
- 260-24-320 Stewards—Substitutes.
- 260-24-330 Stewards—Deputies.
- 260-24-340 Stewards—Stewards pro tem.
- 260-24-350 Stewards—Report of appointment of deputy.
- 260-24-360 Stewards—Number in stand during race.
- 260-24-370 Stewards—Duty to notice questionable conduct.
- 260-24-380 Stewards—Substitution of jockeys.
- 260-24-390 Stewards—Placing horse in the temporary charge of trainer.

- 260-24-400 Stewards—Getting horses to gate at post time.
- 260-24-410 Stewards—Accident before offtime—Excusing horse.
- 260-24-420 Stewards—Settlement of protests and complaints.
- 260-24-430 Stewards—Infractions—Reports to commission.
- 260-24-440 Stewards—Violation of rule other than a rule of the race—Procedure.
- 260-24-450 Timers.
- 260-24-460 Veterinarians.
- 260-24-465 Veterinarians—Disposal, sterilization of instruments.
- 260-24-470 Clocker-identifier.
- 260-24-480 Film analyst.

NEW SECTION

WAC 260-24-500 Racing officials. (1) Officials at a race meeting include the following:

- (a) Stewards;
- (b) Racing secretary;
- (c) Horsemen's bookkeeper;
- (d) Mutuel manager;
- (e) Official veterinarian(s);
- (f) Horse identifier;
- (g) Paddock judge;
- (h) Starter;
- (i) Security director, association;
- (j) Commission security inspector(s);
- (k) Commission auditor;
- (l) Clerk of scales;
- (m) Jockey room supervisor;
- (n) Film analyst;
- (o) Clocker(s);
- (p) Race timer;
- (q) Paddock plater;
- (r) Mutuel inspector;
- (s) Outrider(s);
- (t) Any other person designated by the commission.

(2) The commission officials of a race meeting shall be designated prior to each race meeting and those commission officials shall be compensated by the commission.

The association officials of a race meeting shall include but are not limited to: racing secretary, mutuel manager, starter, horsemen's bookkeeper, association security director, jockey room supervisor and outrider(s).

(3) Eligibility:

- (a) To qualify as a racing official, the appointee shall be:
 - (i) Of good character and reputation;
 - (ii) Familiar with the duties of the position and with the commission's rules of racing;
 - (iii) Mentally and physically able to perform the duties of the job; and
 - (iv) In good standing and not under suspension or ineligible in any racing jurisdiction.
- (b) To qualify for appointment as a steward the appointee shall be an Association of Racing Commissioners International-accredited steward and be in good standing with all Association of Racing Commissioners International member

jurisdictions. The commission may waive this requirement for Class C race meetings.

(4) The commission, in its sole discretion, may determine the eligibility of a racing official and, in its sole discretion, may approve or disapprove any such official for licensing.

(5) While serving in an official capacity, racing officials and their assistants shall not:

(a) Participate in the sale or purchase, or ownership of any horse racing at the meeting;

(b) Sell or solicit horse insurance on any horse racing at the meeting;

(c) Be licensed in any other capacity without permission of the commission, or in case of an emergency, the permission of the stewards;

(d) Wager on the outcome of any race for which parimutuel wagering is conducted under the jurisdiction of the commission; or

(e) Consume or be under the influence of alcohol or any prohibited substances while performing official duties.

(6) Racing officials and their assistants shall immediately report to the stewards every observed violation of these rules.

(7) Complaints against officials:

(a) Complaints against any steward shall be made in writing to the commission and signed by the complainant;

(b) Any complaint against a racing official other than a steward shall be made to the stewards in writing and signed by the complainant. All such complaints shall be reported to the commission by the stewards, together with a report of the action taken or the recommendation of the stewards;

(c) A racing official may be held responsible by the stewards or the commission for the actions of their assistants;

(8) Appointment:

(a) A person shall not be appointed to more than one racing official position at a meeting unless specifically approved by the commission;

(b) The commission shall appoint or approve its officials for each race meeting, the officials shall perform the duties as outlined herein and such other duties as are necessary as determined by the commission or its executive secretary.

(9) Where an emergency vacancy exists among racing officials, the stewards or the association, with the stewards' approval, shall fill the vacancy immediately. Such appointment shall be reported to the commission and shall be effective until the vacancy is filled in accordance with these rules.

(10) Should any steward be absent at race time, and no approved alternate steward be available, the remaining stewards shall appoint a substitute for the absent steward. If a substitute steward is appointed, the commission and the association shall be notified by the stewards.

NEW SECTION

WAC 260-24-510 Stewards. (1) General authority:

(a) The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with these rules;

(b) The stewards shall enforce these rules and the racing laws of this jurisdiction;

(c) The stewards' authority includes supervision 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 racing and to discipline violators in accordance with the provisions of these rules;

(f) The stewards shall take notice of any questionable conduct with or without complaint thereof;

(g) The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules;

(h) Should any case occur which may not be covered by these rules of racing, it shall be determined by the stewards of the race meeting in conformity with justice and in the best interest of racing; and the stewards of the meeting are hereby given authority to exercise their full power, recommending to the commission the impositions of more severe penalties, if in their judgment the penalty should be more drastic.

(2) The stewards' period of authority shall commence 10 days prior to the beginning, or at such other time as is necessary in the opinion of the commission, 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.

(4) Protests, objections and complaints. The stewards shall cause an investigation to be conducted and shall render a decision in every protest, objection and complaint made to them. They shall maintain a record of all protests, objections and complaints. The stewards shall file daily with the commission a copy of each protest, objection or complaint and any related ruling. The stewards are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(5) Stewards' presence:

(a) On each racing day at least one steward shall be on duty at the track from 3 hours prior to first race post time. The full board of stewards shall sit in regular session to exercise their authority and perform the duties imposed on them by the rules of racing;

(b) Three stewards shall be present in the stewards' stand during the running of each race. In case of emergency, the stewards may, during the meeting, appoint a substitute subject to the confirmation of the commission.

(6) Order of finish for parimutuel wagering:

(a) The stewards shall determine the official order of finish for each race in accordance with these rules of racing;

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, shall be final for purposes of distribution of the parimutuel wagering pool.

(7) The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a parimutuel pool for a race or races, if such action is necessary to protect the integrity of parimutuel wagering.

(8) Records and reports:

(a) The stewards shall prepare a daily report, detailing their actions and observations made during each day's race program. The report shall contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, objections and hearings and any unusual circumstances or conditions. The report shall be signed by each steward and be filed with the commission;

(b) Not later than seven days after the last day of a race meeting, the presiding steward shall submit to the commission a written report regarding the race meeting. The report shall contain:

(i) The stewards' observations and comments regarding the conduct of the race meeting, the overall conditions of the association grounds during the race meeting; and

(ii) Any recommendations for improvement by the association or action by the commission.

(9) Stewards' list:

(a) The stewards shall maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the race-track 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.

NEW SECTION

WAC 260-24-520 Racing secretary. (1) The racing secretary shall be responsible for the programming of races during the race meeting, compiling and publishing condition books, assigning weights for handicap races, and shall receive all entries, subscriptions, declarations and scratches. The racing secretary may employ one or more assistants who may assist in performing the following duties. An assistant racing secretary shall assume the duties of the racing secretary in that person's absence.

(2) Foal, health and other eligibility certificates:

(a) The racing secretary shall be responsible for receiving, inspecting and safeguarding the foal and health certificates, Equine Infectious Anemia (EIA) test certificates and other documents of eligibility for all horses competing at the track or stabled on the grounds;

(b) The racing secretary shall record the alteration of the sex of a horse on the horse's foal certificate and report such to the appropriate breed registry and past performance services;

(c) The racing secretary shall record on a horse's registration certificate when a posterior digital neurectomy (heel nerving) is performed on that horse.

(3) The racing secretary shall maintain a list of nerved horses which are on association grounds and shall make the list available for inspection by other licensees participating in the race meeting.

(4) The racing secretary shall maintain a list of all fillies or mares on association grounds who have been covered by a stallion. The list shall also contain the name of the stallion to which each filly or mare was bred and shall be made available for inspection by other licensees participating in the race meeting.

(5) It shall be the duty of the racing secretary to assign to applicants such stabling as he may deem proper to be occupied by horses in preparation for racing. He/she shall determine all conflicting claims of stable privileges and maintain a record of arrivals and departures of all horses stabled on association grounds.

(6) Conditions and eligibility:

(a) The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published to owners, trainers and the commission and be posted in the racing secretary's office:

(b) For the purpose of establishing conditions, winnings shall be considered to include all monies and prizes won up to the time of the start of a race;

(c) Winnings during the year shall be calculated by the racing secretary from the preceding January 1.

(7) Listing of horses, the racing secretary shall:

(a) Examine all entry blanks to verify information as set forth therein; and

(b) Select the horses to start and the also eligible horses from those entries received in accordance with these rules.

(8) Upon completion of the draw each day, the racing secretary shall post a list of entries in a conspicuous location in his/her office and make the list available.

(9) The racing secretary shall publish the official daily program, ensuring the accuracy therein of the following information:

(a) Sequence of races to be run and post time for the first race;

(b) Purse, conditions and distance for each race, and current track record for such distance;

(c) The name of licensed owners of each horse, indicated as leased, if applicable, and description of racing colors to be carried;

(d) The name of the trainer and the name of the jockey named for each horse together with the weight to be carried;

(e) The post position and saddle cloth number or designation for each horse if there is a variance with the saddle cloth designation;

(f) Identification of each horse by name, color, sex, age, sire and dam; and

(g) Such other information as may be requested by the association or the commission.

(10) The racing secretary shall examine nominations received for early closing events, late closing events and stakes events to verify the eligibility of all such nominations and compile lists thereof for publication.

(11) The racing secretary shall be caretaker of the permanent records of all stakes and shall verify that all entrance monies due are paid prior to entry for races conducted at the meeting.

NEW SECTION

WAC 260-24-530 Horsemen's bookkeeper. The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described herein and maintain such other records and accounts and perform such other duties as the association and commission may prescribe.

(1) Records:

(a) The records shall include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse owner, trainer or jockey participating at the race meeting who has funds due or on deposit in the horsemen's account;

(b) The records shall include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements and registrations of authorized agents;

(c) All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the association;

(d) All records of the horsemen's bookkeeper including records of accounts and monies and funds kept on deposit are subject to inspection by the commission at any time;

(e) The association licensee is subject to disciplinary action by the commission for any violations of or non-compliance with the provisions of this rule.

(2) Monies and funds on account:

(a) All monies and funds on account with the horsemen's bookkeeper shall be maintained;

(i) Separate and apart from monies and funds of the association;

(ii) In an account designated as Horsemen's Account; and

(iii) In an account insured by the Federal Deposit and Insurance Corporation.

(b) The horsemen's bookkeeper shall be bonded in accordance with commission stipulations;

(c) The amount of purse money earned is credited in the currency of the jurisdiction in which the race was run. There shall be no appeal for any exchange rate loss at the time of transfer of funds from another jurisdiction.

(3) Payment of purses:

(a) The horsemen's bookkeeper shall receive, maintain and disburse the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, along with all applicable taxes and other monies that properly come into his/her possession in accordance with the provisions of commission rules;

(b) The horsemen's bookkeeper may accept monies due belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due;

(c) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no chemical substance has been administered, in violation of these rules, to the horse earning such purse money;

(d) The horsemen's bookkeeper shall disburse the purse of each race and all stakes, entrance money, jockey fees and purchase money in claiming races, along with all applicable taxes, upon request, within 48 hours of receipt of notification that all tests with respect to such races have cleared the drug testing;

(e) Absent a prior request, the horsemen's bookkeeper shall disburse monies to the persons entitled to receive same within 15 days after the last race day of the race meeting, including purses for official races, provided that all tests with respect to such races have cleared the drug testing laboratory and provided further that no protest or appeal has been filed with the stewards or the commission;

(f) In the event a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper shall disburse the purse within 48 hours of receipt of dismissal or a final non-appealable order disposing of such protest or appeal.

NEW SECTION

WAC 260-24-540 Mutuel manager. The mutuel manager is responsible for the operation of the parimutuel department and shall:

(1) Be responsible for the correctness of all pay-off prices;

(2) Maintain records of all wagers and provide information regarding betting patterns;

(3) Employ licensed individuals to aid in the operation of the parimutuel department;

(4) Make emergency decisions regarding the operation of the parimutuel department; and

(5) Be responsible for the enforcement of the association policy and procedures relating to the mutuel department.

NEW SECTION

WAC 260-24-550 Official veterinarian(s). The official veterinarian(s) shall:

(1) Be employed by the commission;

(2) Be a graduate veterinarian and be licensed to practice in this jurisdiction;

(3) Recommend to the stewards any horse deemed unsafe to be raced, or a horse that it would be inhumane to allow to race;

(4) Place horses on the veterinarian's list and remove horses from the veterinarian's list;

(5) Place horses on the bleeder list and remove horses from the bleeder list;

(6) Supervise and control the test barn;

(7) Supervise the taking of all specimens for testing according to procedures approved by the commission;

(8) Provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion or contamination;

(9) Provide the stewards with a written statement regarding the nature and seriousness of all laboratory reports of prohibited substances in equine samples;

(10) Have jurisdiction over the practicing licensed veterinarians within the enclosure for the purpose of these rules;

(11) Report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;

(12) Maintain all required records of postmortem examinations performed on horses which have died on association grounds;

(13) Be available to the stewards prior to scratch time each racing day at a time designated by the stewards to inspect any horses and report on their condition as may be requested by the stewards;

(14) Be present in the paddock during saddling, on the racetrack during the post parade and at the starting gate until the horses are dispatched from the gate for the race;

(15) Inspect any horse when there is a question as to the physical condition of such horse;

(16) Recommend scratching a horse to the stewards if, in his/her opinion the horse is physically incapable of exerting its best effort to win;

(17) Inspect any horse which appears in physical distress during the race or at the finish of the race; and shall report such horse together with his/her opinion as to the cause of the distress to the stewards;

(18) Refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission;

(19) Review and consult with the applicants and the stewards regarding commission license applications of practicing veterinarians;

(20) Cooperate with practicing veterinarians and other regulatory agencies to take measures to control communicable and/or reportable equine diseases;

(21) Periodically review all horse papers under the jurisdiction of the commission to ensure that all required test and health certificates are current and properly filed in accordance with these rules; and

(22) Be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of racing the horse to so act.

NEW SECTION

WAC 260-24-560 Horse identifier. The Horse identifier shall:

(1) When required, ensure the safekeeping of registration certificates and racing permits for horses stabled and/or racing on association grounds;

(2) Inspect documents of ownership, eligibility, registration or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting;

(3) Examine every starter in the paddock for sex, color, markings and lip tattoo or other identification method approved by the appropriate breed registry and the commis-

sion for comparison with its registration certificate to verify the horse's identity; and

(4) Supervise the tattooing, branding or other method of identification approved by the appropriate breed registry and the commission for identification of any horse located on association grounds.

(5) The horse identifier shall report to the stewards any horse not properly identified or whose registration certificate is not in conformity with these rules.

NEW SECTION

WAC 260-24-570 Paddock judge. (1) The paddock judge shall:

(a) Supervise the assembly of horses in the paddock no later than fifteen (15) minutes before the scheduled post time for each race;

(b) Maintain a written record of all equipment, inspect all equipment of each horse saddled and report any change thereof to the stewards;

(c) Prohibit any change of equipment without the approval of the stewards;

(d) Ensure that the saddling of all horses is orderly, open to public view, free from public interference, and that horses are mounted at the same time, and leave the paddock for the post in proper sequence;

(e) Supervise paddock schooling of all horses approved for such by the stewards;

(f) Report to the stewards any observed cruelty to a horse;

(g) Ensure that only properly authorized persons are permitted in the paddock; and

(h) Report to the stewards any unusual or illegal activities.

(2) Paddock judge's list:

(a) The paddock judge shall maintain a list of horses which shall not be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing;

(b) At the end of each race day, the paddock judge shall provide a copy of the list to the stewards;

(c) To be removed from the paddock judge's list, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock.

NEW SECTION

WAC 260-24-580 Starter. (1) The starter shall:

(a) Have complete jurisdiction over the starting gate, the starting of horses and the authority to give orders not in conflict with the rules as may be required to ensure all participants an equal opportunity to a fair start;

(b) Appoint and supervise assistant starters who have demonstrated they are adequately trained to safely handle horses in the starting gate. In emergency situations, the starter may appoint qualified individuals to act as substitute assistant starters;

(c) Ensure that a sufficient number of assistant starters are available for each race;

(d) Assign the starting gate stall positions to assistant starters and notify the assistant starters of their respective

stall positions more than 10 minutes before post time for the race;

(e) Assess the ability of each person applying for a jockey's license in breaking from the starting gate and working a horse in the company of other horses, and shall make said assessment known to the stewards; and

(f) Load horses into the gate in any order deemed necessary to ensure a safe and fair start.

(2) Assistant starters, with respect to an official race, shall not:

(a) Handle or take charge of any horse in the starting gate without the expressed permission of the starter;

(b) Impede the start of a race;

(c) Apply a whip or other device, with the exception of steward-approved twitches, to assist in loading a horse into the starting gate;

(d) Slap, boot or otherwise dispatch a horse from the starting gate;

(e) Strike or use abusive language to a jockey; or

(f) Accept or solicit any gratuity or payment other than his/her regular salary, directly or indirectly, for services in starting a race.

(3) No horse shall be permitted to start in a race unless approval is given by the starter. The starter shall maintain a starter's list of all horses which are ineligible to be entered in any race because of poor or inconsistent behavior or performance in the starting gate. Such horse shall be refused entry until it has demonstrated to the starter that it has been satisfactorily schooled in the gate and can be removed from the starter's list. Schooling shall be under the direct supervision of the starter.

(4) The starter and assistant starter shall report all unauthorized activities to the stewards.

NEW SECTION

WAC 260-24-590 Security director, association. The security director shall be employed by the association and shall be directly responsible for maintaining the security and safety of the racing association's grounds. He/she shall issue daily reports to the commission security inspector outlining staffing and any incidents or occurrences which may constitute a violation of the "rules of racing". The security director will work closely with the board of stewards and commission security inspector(s) to facilitate the licensing, regulation and supervision of licensees and the racing association grounds. The security director may be requested to perform such other specific duties as are mutually agreed upon between the board of stewards and the racing association.

NEW SECTION

WAC 260-24-600 Commission security inspector(s). The commission security inspector(s) shall be employed by the commission and report to the commission executive secretary and the stewards. His/her duties shall include investigation of allegations of wrongdoing and violations of the "rules of racing", presentation of cases before the stewards and other duties as set forth by the commission or the stewards.

NEW SECTION

WAC 260-24-610 Commission auditor. The commission auditor shall be responsible for:

(1) Verifying the calculations of the parimutuel department;

(2) Calculating and/or verify the monetary commissions due;

(3) Maintaining the Washington Bred Bonus Fund (including filing of tax information); and

(4) Various accounting and auditing services as requested by the commission or the stewards.

NEW SECTION

WAC 260-24-620 Clerk of scales. The clerk of scales shall:

(1) Verify the presence of all jockeys in the jockeys' room at the appointed time;

(2) Verify that all such jockeys have a current jockey's license issued by the commission;

(3) Verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the stewards immediately;

(4) Oversee the security of the jockeys' room including the conduct of the jockeys and their attendants;

(5) Promptly report to the stewards any infraction of the rules with respect to weight, weighing, riding equipment or conduct;

(6) Record all required data on the scale sheet and submit that data to the horsemen's bookkeeper at the end of each race day;

(7) Maintain the record of applicable winning races on all apprentice certificates at the meeting;

(8) Release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet; and

(9) Assume the duties of the jockey room supervisor in the absence of such employee.

NEW SECTION

WAC 260-24-630 Jockey room supervisor. The jockey room supervisor shall:

(1) Supervise the conduct of the jockeys and their attendants while they are in the jockey room;

(2) Keep the jockey room clean and safe for all jockeys;

(3) Ensure all jockeys are in the correct colors before leaving the jockey room to prepare for mounting their horses;

(4) Keep a daily video list as dictated by the stewards and have it displayed in plain view for all jockeys;

(5) Keep a daily program displayed in plain view for the jockeys so they may have ready access to mounts that may become available;

(6) Keep unauthorized persons out of the jockey room; and

(7) Report to the stewards any unusual occurrences in the jockey room.

NEW SECTION

WAC 260-24-640 Film analyst. The film analyst, when utilized, shall be responsible for assisting the stewards and other commission officials in the interpretation of video coverage of each race. The analyst shall perform such other duties as are designated by the board of stewards.

NEW SECTION

WAC 260-24-650 Clocker(s). (1) The clocker(s) shall be present during training hours at each track on association grounds, which is open for training, to identify each horse working out and to accurately record the distances and times of each horse's workout.

(2) Each day, the clocker(s) shall prepare a list of workouts that describes the name of each horse which worked along with the distance and time of each horse's workout.

(3) At the conclusion of training hours, the clocker shall deliver a copy of the list of workouts to the stewards and the racing secretary.

NEW SECTION

WAC 260-24-660 Race timer. (1) The timer shall accurately record the time elapsed between the start and finish of each race.

(2) The time shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line.

(3) At the end of a race, the timer shall post the official running time on the infield totalisator board.

(4) At a racetrack equipped with an appropriate infield totalisator board, the timer shall post the quarter times (splits) for races in fractions as a race is being run. For quarter horse races, the timer shall post the official times in hundredths of a second.

(5) For back-up purposes, the timer shall also use a stopwatch to time all races. In time trials, the timer shall ensure that at least three stopwatches are used by the stewards or their designees.

(6) The timer shall maintain a written record of fractional and finish times of each race and have same available for inspection by the stewards or the commission on request.

NEW SECTION

WAC 260-24-670 Paddock plater. The paddock plater shall be available during racing hours to perform emergency shoeing repairs on horses in either the receiving barn, the paddock or during the parade to post. When directed by the board of stewards, the paddock plater shall report horses which are wearing caulks and on which feet. With permission of the stewards the paddock plater may assume other duties as requested by the association.

NEW SECTION

WAC 260-24-680 Mutuel inspector. The mutuel inspector shall oversee parimutuel wagering activity, including but not limited to, testing of the totalisator system, working with the board of stewards, commission auditor and

mutuel manager as related to Chapter 260-48 WAC and shall perform other duties as directed by the commission.

NEW SECTION

WAC 260-24-690 Outrider(s). The duty of the outrider(s) shall be to maintain safety on the race track during training hours insuring that all persons entering onto the race track have the proper safety equipment. During racing hours, prior to each race, the outrider(s) shall be responsible for maintaining order during the post parade and insuring that the horses arrive at the starting gate at post time. The outrider(s) shall inform the stewards of any questionable conduct and shall perform other duties as directed by the stewards.

NEW SECTION

WAC 260-24-700 Any other person designated by the commission. The commission may create additional racing official positions, as needed. Persons selected for these positions shall be considered racing officials and shall be subject to the general eligibility requirements outlined in this chapter.

WSR 97-21-093**PROPOSED RULES****HORSE RACING COMMISSION**

[Filed October 20, 1997, 11:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-04-059.

Title of Rule: New section WAC 260-32-370 Apprentice jockeys.

Purpose: Adopt model rules that were adopted by the National Jockey Guild regarding apprentice jockeys.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: To establish rules relating to apprentice jockeys, as adopted by the National Jockey Guild.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To further define the rules relating to apprentice jockeys. Adding model rule language as adopted by the jockey guild.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These changes will not affect more than 20% or less than 10% of the populations. A small business economic impact statement was not prepared.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, on December 2, 1997, at 1:00 p.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Bruce Batson by December 1, 1997, (360) 459-6462.

Submit Written Comments to: Bruce Batson, Executive Secretary, FAX (360) 459-6461, by December 1, 1997.

Date of Intended Adoption: December 2, 1997.

October 20, 1997

Bruce Batson

Executive Secretary

NEW SECTION

WAC 260-32-370 Apprentice jockeys. (1) An applicant for an apprentice jockey license may be prohibited from riding until the stewards or the commission has sufficient opportunity (not to exceed 14 days) to verify the applicant's previous riding experience.

(2) The conditions of an apprentice jockey license do not apply to quarter horse racing. A jockey's performances in quarter horse racing do not apply to the conditions of an apprentice jockey.

(3) An applicant with an approved apprentice certificate may be licensed as an apprentice jockey.

(4) An apprentice certificate may be obtained from the stewards on a form provided by the commission. A person shall not receive more than one apprentice certificate. In case of emergencies, a copy of the original may be obtained from the commission where it was issued.

(5) The apprentice jockey shall be responsible to have his/her apprentice certificate with them at all times. Prior to riding, the apprentice certificate shall be submitted to the clerk of scales at each racing association in which the apprentice is licensed and riding.

(6) The apprentice jockey shall keep an accurate updated record of his/her first forty (40) winners, to be recorded on the certificate by the clerk of scales.

(7) An apprentice jockey may claim the following weight allowances in all overnight races except stakes and handicaps:

(a) Ten pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners:

(b) Seven pound allowance until the apprentice has ridden an additional thirty five (35) winners; and

(c) If an apprentice has ridden a total of forty (40) winners prior to the end of a period of one year from the date of riding their fifth winner, the apprentice jockey shall have an allowance of five pounds until the end of that year;

(d) If after one year from the date of the fifth winning mount, the apprentice jockey has not ridden forty (40) winners, the applicable weight allowance shall continue for one more year or until the 40th winner, whichever comes first. In no event may a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted.

(e) A contracted apprentice may claim an allowance of three pounds for an additional one year when riding horses owned or trained by the original contract employer.

(8) The commission may extend the weight allowance of an apprentice jockey when, at the discretion of the commission, an apprentice jockey is unable to continue riding due to:

(a) physical disablement or illness;

(b) military service;

(c) attendance in an institution of secondary or higher education;

(d) restriction on racing;

(e) other valid reasons.

(9) In order to qualify for an extension, an apprentice jockey shall have been rendered unable to ride for a period of not less than seven (7) consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances, total days lost collectively will be given consideration.

(10) The commission currently licensing the apprentice jockey shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced documentation verifying time lost as defined by this regulation.

(11) An apprentice may petition one of the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

(12) Apprentice jockeys shall be bound by all rules for jockeys, except insofar as said rules may be in conflict with WAC 260-32-400.

WSR 97-21-094

PROPOSED RULES

HORSE RACING COMMISSION

[Filed October 20, 1997, 11:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-04-058.

Title of Rule: WAC 260-48-890 Trifecta pools.

Purpose: Amend WAC 260-48-890, removing and replacing subsection (7) to allow only one instance of two horses having common ties in any trifecta race, stakes races excepted with permission of the stewards.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: As requested by public comment, this change is being implemented.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amend trifecta rules to show a change regarding the coupling on in only one instance of two horses in a mutuel field show common ties, stakes races are excepted with permission of the stewards.

Proposal Changes the Following Existing Rules: Delete existing subsection (7) and replacing with changes allowing a coupled entry in new subsection (7) in a trifecta race.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These changes will not affect more than 20% or less than 10% of the populations. A small business economic impact statement was not prepared.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, on December 2, 1997, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Bruce Batson by December 1, 1997, (360) 459-6462.

Submit Written Comments to: Bruce Batson, Executive Secretary, FAX (360) 459-6461, by December 1, 1997.

Date of Intended Adoption: December 2, 1997.

October 20, 1997

Bruce Batson

Executive Secretary

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96)

WAC 260-48-890 Trifecta pools. (1) The trifecta requires selection of the first three finishers, in their exact order, for a single race.

(2) The net trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire pool shall be refunded on trifecta wagers for that race.

(3) If less than three betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race shall be ignored.

(4) If there is a dead heat for first involving:

(a) Horses representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(b) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest shall share in a profit split.

(5) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.

~~((7) Coupled entries and mutuel fields shall be prohibited in trifecta races.))~~

~~((8))~~ (7) There shall be only one instance of two horses having common ties ~~((through a trainer))~~ in any trifecta race, stakes races are excepted with permission of the stewards.

WSR 97-21-101
PROPOSED RULES
GAMBLING COMMISSION
[Filed October 20, 1997, 1:47 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-19-084 on September 16, 1997.

Title of Rule: Control of prizes—Restrictions—Bonus prizes—Displaying—Procedures for awarding, WAC 230-30-070; and Punchboard and pull tab series restriction—Prizes, size of game, and location of winners, WAC 230-30-080.

Purpose: These rules are changed to disallow fifty percent markup on cost of merchandise prizes.

Statutory Authority for Adoption: RCW 9.46.070 (3), (8), (11), and (14).

Summary: Statements allowing fifty percent markup on cost of product are deleted from WAC 230-30-070 and 230-30-080.

Reasons Supporting Proposal: Allowing a fifty percent markup creates a windfall profit for the operator.

Name of Agency Personnel Responsible for Drafting: Soojin Kim, Lacey, (360) 438-7654, ext. 310; Implementation: Ben Bishop, Lacey, (360) 438-7654, ext. 302; and Enforcement: Carrie Tellefson, Lacey, (360) 438-7654, ext. 373.

Name of Proponent: Dennis Zaborac, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Skamania Lodge, Exit 44, Interstate 84, Stevenson, Washington 98648, (509) 427-7700, on January 9, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by January 1, 1998, TDD (360) 438-7638, or (360) 438-7654, ext. 302.

Submit Written Comments to: Soojin Kim, Mailstop 42400, Olympia, Washington 98504-2400, FAX (360) 438-8652, by December 31, 1997.

Date of Intended Adoption: January 9, 1998.

Soojin Kim
Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 97-14-012, filed 6/20/97, effective 7/21/97)

WAC 230-30-080 Punchboard and pull tab series restrictions—Prizes, size of game, and location of winners. No operator, distributor, or manufacturer, or representative thereof shall possess, display, put out for play, sell, or

PROPOSED

otherwise transfer to any person in this state, or for use in this state, any punchboard or pull tab series which:

(1) Does not offer prizes that are equal to or greater than sixty percent of the total gross receipts available from the punchboard or pull tab series. The following applies to the sixty percent calculation:

(a) For the purposes of determining the percentage of prizes offered on any punchboard, or in any pull tab series, total merchandise prizes shall be computed at the amount actually paid by the licensed operator (~~(plus fifty percent of that actual cost)~~); and

(b) Prize and percentage requirements for progressive pull tab series shall be calculated as set forth in WAC 230-30-025;

(2) Offers a single prize that exceeds:

(a) Five hundred dollars in cash: *Provided*, That progressive jackpot pull tab prizes, as authorized in WAC 230-30-025 shall be exempt from this requirement and shall be subject to the limits defined in those rules; or

(b) A merchandise prize, or combination cash-merchandise prize, for which the operator has expended more than five hundred dollars;

(3) Has multiple winners on an individual pull tab or punch that combined values exceed the single cash or merchandise prize limit in subsection (2) of this section;

(4) Offers prizes for purchasing the last ticket or last punch that exceeds:

(a) One hundred dollars cash; or

(b) Merchandise for which the licensee has expended more than one hundred dollars; or

(c) The highest prize offered, whichever is less;

(5) Contains more than ten thousand individual pull tabs: *Provided*, That progressive jackpot pull tab series, as authorized by WAC 230-30-025, may contain up to fifty thousand individual pull tabs;

(6) Utilizes a flare which does not meet the requirements of WAC 230-30-106;

(7) The winning punches or tabs have not been randomly distributed and mixed among all other punches or tabs in the board or series;

(8) The location, or approximate location, of any winning punches or tabs can be determined in advance of punching the punchboard or opening the tabs in any manner or by any device, by markings on the board, tabs, or container, or by use of a light;

(9) There exists a key to any winning numbers or symbols; or

(10) Does not conform in any other respect to the requirements of WAC rules as to the manufacture, assembly, or packaging of punchboards or pull tabs.

AMENDATORY SECTION (Amending WSR 97-14-012, filed 6/20/97, effective 7/21/97)

WAC 230-30-070 Control of prizes—Restrictions—Bonus Prizes—Displaying—Procedures for awarding. Punchboard and pull tab prizes shall be closely controlled to ensure players are not defrauded.

What may be awarded as a punchboard or pull tab prize?

(1) All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise.

(a) No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(b) For purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid by the licensed operator (~~(plus 50 percent of that actual cost)~~).

(2) Additional chances on a punchboard or pull tab game may not be awarded as a prize. *Provided*, That prizes may involve the opportunity to advance and win a larger prize on the same punchboard or pull tab game as set forth in subsection (4) of this section.

What is a bonus prize?

(3) A bonus prize is a prize offered in a bonus pull tab game, defined in WAC 230-30-040(1). A step-up prize is a prize offered on a punchboard. The awarding of these prizes involves an immediate, additional opportunity to advance to a section of the game to determine the prize.

What additional requirements apply to the offering of bonus or step-up prizes?

(4) On games where players advance, the bonus or step-up prizes may not be less than the highest prize available, which might otherwise have been won by the punch or pull tab for which the opportunity was awarded. Each punchboard or pull tab game offering bonus or step-up prizes must clearly indicate on its flare the terms and conditions under which the bonus or step-up prize may be won, including the amount of the bonus or step-up prize.

How must prizes be displayed?

(5) The licensee shall display prizes so that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises. In addition, the following requirements apply.

(a) Merchandise prizes shall be displayed as follows:

(i) In the immediate vicinity of the punchboard or pull tab series and in plain view;

(ii) If size or space constraints do not allow the prize to be displayed as provided in (a)(i) of this subsection, the merchandise prize may be displayed elsewhere on the premises provided that a specific reference to that actual prize is noted on the flare; or

(iii) If the merchandise prize cannot be displayed on the premises, an accurate description and/or photograph of the prize must be displayed in plain view on or immediately adjacent to the flare.

(b) Cash prizes shall be clearly represented on the prize flare;

(c) Combination cash and merchandise prizes must meet the requirements of both (a) and (b) of this subsection;

What is the procedure for removing prizes from flares and presenting prizes to winning players?

(6) The following procedures apply to the removal of prizes from the game flare and the presentation of prizes to winning players:

(a) Upon determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from the flare and present the prize to the winner upon demand;

(b) Upon determination of a winner of any cash prize over twenty dollars, or of any merchandise prize with a retail

value over twenty dollars, the licensee shall permanently and conspicuously delete all references to that prize from any flare, punchboard, or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. On step-up punchboards and bonus pull tab games, once all opportunities in a section of the flare have been won, all references to prizes no longer available to be won must be deleted on the flare. Operators may correct an inadvertently deleted prize by noting on the flare that such prize is still available. Such reference shall be permanently and conspicuously deleted when the prize is actually awarded. Failure to permanently and conspicuously delete a prize from the flare may result in the director initiating actions to revoke a license for violation of RCW 9.46.190 (defrauding a participant). The prize shall be paid or delivered to the winner only after all reference to such prize has been deleted from the flare.

What must I do if someone buys out a punchboard or pull tab game?

(7) Payment of prizes. The licensee must pay or award to the customer or player playing the punchboard or pull tab series all such prizes that are required to be, but have not been, deleted from the flare when the punchboard or pull tab series is completely played out.

What is the procedure for redemption of winning pull tabs or punches?

~~((8))~~ (8) Record of winners. When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. The record of the win shall be made in the following manner:

(a) The winners shall be required to print their name and date of birth, in ink, upon the side of the winning punch or tab opposite the winning symbol(s);

(b) The licensee or their representative shall then verify the winner's identity and record the date and initial the winning punch or tab; and

(c) If the pull tab or punch is constructed or printed in such a manner as to preclude recording the information required in (a) and (b) of this subsection in a legible manner, the licensee may record the required information on a sheet of paper not less than three inches by five inches and staple the winning tab or punch thereto.

~~((9))~~ (9) Defacing winning punches or tabs. The licensee shall, within twenty-four hours after a winning pull tab or punch of twenty dollars or more has been presented for payment, mark or perforate the winning symbols in such a manner that the pull tab or punch cannot be presented again for payment.

What special operating conditions apply to spindle, banded, or jar type pull tab games which award merchandise prizes only?

(10) Spindle, banded, or "jar" type pull tabs played in a manner which awards merchandise prizes only. Pull tab series which award only merchandise prizes valued at no

more than twenty dollars, are hereby permitted to employ schemes whereby certain predesignated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall moneys collected and later reimbursed constitute revenue for the purposes of determining gross gambling receipts.

WSR 97-21-102
PROPOSED RULES
GAMBLING COMMISSION

[Filed October 20, 1997, 1:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-20-043 on September 24, 1997.

Title of Rule: Public card room employee defined, WAC 230-02-415; and Licensed card room key employee defined, WAC 230-02-425.

Purpose: These rules clarify who would fall under the definition of "public card room employee" and defines card room "key employee."

Statutory Authority for Adoption: RCW 9.46.070 (14), (16).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Soojin Kim, Lacey, (360) 438-7654, ext. 310; Implementation: Ben Bishop, Lacey, (360) 438-7654, ext. 302; and Enforcement: Carrie Tellefson, Lacey, (360) 438-7654, ext. 373.

Name of Proponent: Staff, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: Definition of "public card room employee" is expanded to include "any person who conducts any duty that is a material part of the system of internal management or accounting control system for a card room approved to conduct house or player funded banked card games."

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Skamania Lodge, Exit 44, Interstate 84, Stevenson, Washington 98648, (509) 427-7700, on January 9, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by January 1, 1998, TDD (360) 438-7638, or (360) 438-7654, ext. 302.

Submit Written Comments to: Soojin Kim, Mailstop 42400, Olympia, Washington 98504-2400, FAX (360) 438-8652, by December 31, 1997.

Date of Intended Adoption: January 9, 1998.

Soojin Kim
Rules and Policy Coordinator

WSR 97-21-106
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)
[Filed October 20, 1997, 2:02 p.m.]

Supplemental Notice to WSR 97-17-100.
Preproposal statement of inquiry was filed as WSR 97-12-080.

Title of Rule: WAC 388-220-0050 Special residency requirement for aliens.

Purpose: This rule was originally filed for emergency adoption effective August 1, 1997, as WAC 388-215-1210. It imposes a 12-month residency requirement on certain legal immigrants who enter the United States after August 21, 1996, and apply for state-funded TANF benefits under the state family assistance (SFA) program.

The rule is being revised to incorporate new federal rules as required under Public Law 105-33, the Balanced Budget Act of 1997, which was signed into law on August 5, 1997. The act contains technical corrections to Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which treat certain American Indians born in Canada as nonqualified aliens who are ineligible for the federally-funded TANF program. These Indians will be eligible for SFA benefits, but federal law exempts them from the 12-month residency requirement.

The rule is being renumbered to move it into chapter 388-220 WAC, which is a more appropriate placement. This is a new WAC chapter which did not exist when the rule was originally filed. It is also being edited to incorporate new rule writing guidelines under regulatory reform.

Statutory Authority for Adoption: RCW 74.08.090 and chapter 57, Laws of 1997.

Statute Being Implemented: Chapter 57, Laws of 1997.

Summary: State family assistance is the state-funded temporary assistance to needy families (TANF) program created under ESB 6098 (1997), chapter 57, Laws of 1997, to provide aid to legal immigrant families who are no longer eligible for the federally-funded TANF program due solely to their immigration status. The legislation requires the department to limit access to benefits under SFA to those legal immigrant families in which an adult caretaker relative in the assistance unit has resided in Washington state for twelve consecutive months prior to applying for benefits.

Reasons Supporting Proposal: State legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Medina, WorkFirst Division, Lacey, Washington, (360) 413-3103.

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

Rule is necessary because of federal law, Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule affects legal immigrants who enter the United States after August 21, 1996, and who apply for benefits under the state family assistance (SFA) program. SFA is the state-funded program created under ESB 6098 (1997), chapter 57, Laws of 1997, to provide assistance to legal immigrants who are no longer eligible for federally-

AMENDATORY SECTION (Amending Order 85, filed 5/25/78)

WAC 230-02-415 Public card room employee defined. A "public card room employee" is any person who is employed by a public card room operator, for compensation or otherwise, to work in, or in direct connection with, a public card room whose duties or responsibilities include any of the following:

- (1) Floor person,
- (2) Time collector,
- (3) Chip seller,
- (4) Dealer or mucker,
- (5) Cashier,
- (6) Pit boss,
- (7) Card room manager,
- (8) Supervision of any person working in, or in connection with, the card room,
- (9) The prevention or discovery of cheating by persons playing in the card room or of improper activities by employees working in the card room,
- (10) To encourage the organization and/or beginning of a card game.

(11) Key employees as defined in WAC 230-02-425.

A "public card room employee" is any person who conducts any duty that is a material part of the system of internal management or accounting control system for a card room approved to conduct house or player funded banked card games.

This definition does not include bartenders, waitresses and persons with similar duties who are limited to the serving of food or drink in the card room.

NEW SECTION

WAC 230-02-425 Licensed card room key employee defined. A key employee of a licensed public or social card room is defined as any individual that:

- (1) Is designated as the person with general responsibility for managing the affairs of a Class E or Class A card room;
- (2) Conducts any duty that is a material part of the system of internal management or accounting control system for a card room approved to conduct house or player funded banked card games; or
- (3) Is responsible for acting as a custodian of a player supported jackpot scheme.

funded TANF because of their immigration status. The purpose of the rule is to limit access to SFA benefits to those legal immigrant families in which an adult caretaker relative in the assistance unit has resided in Washington state for twelve consecutive months prior to applying for benefits.

Proposal Changes the Following Existing Rules: WAC 388-215-1210 is changed to WAC 388-220-0050. Under existing rules, legal immigrants could access benefits under the TANF program regardless of their date of entry into the United States, or the length of time they reside in Washington state. This rule changes existing rules by requiring certain legal immigrant families to reside in Washington state for twelve consecutive months before they can be considered for the state-funded TANF program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects certain legal immigrants who apply for public assistance and does not impact small business.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 exempts the Department of Social and Health Services rules that relate to financial and medical eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on November 25, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by November 14, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Paige Wall, Acting Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by November 25, 1997.

Date of Intended Adoption: No sooner than November 26, 1997.

October 17, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-220-0050 Special residency requirement for aliens. An alien who physically enters the United States after August 21, 1996, and is otherwise eligible, may receive state family assistance only after an adult caretaker relative or legal guardian in the assistance unit has resided in Washington state for twelve consecutive months. This requirement:

- (1) Applies to an alien only once during his or her lifetime; and
- (2) Does not apply to a North American Indian born in Canada who has:
 - (a) At least fifty percent Indian blood; or
 - (b) Less than fifty percent Indian blood and entered the United States prior to December 24, 1952; and
 - (c) Maintained residency since entry.

WSR 97-21-107
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
(Public Assistance)
[Filed October 20, 1997, 2:10 p.m.]

Continuance of WSR 97-20-114.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Gaskell, P.O. Box 45600, Olympia, WA 98504-5600, (800) 422-3263, or (360) 438-7937.

Name of Proponent: Department of Social and Health Services.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on November 25, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by November 14, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Paige Wall, Acting Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by November 25, 1997.

Date of Intended Adoption: No sooner than November 26, 1997.

October 20, 1997

Edith M. Rice, Chief
for Merry Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-21-123
PROPOSED RULES
ATTORNEY GENERAL'S OFFICE
[Filed October 21, 1997, 11:16 a.m.]

Original Notice.

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

Title of Rule: Amendments to chapter 44-06 WAC, Public records.

Purpose: The proposed amendments are essentially housekeeping measures: To clarify a statutory reference to exemptions, to authorize FAX and e-mail requests, to reflect current Attorney General opinion indexing practices, to accurately reflect the job position to which public records requests can be directed, to incorporate a requirement in statute that denials of public records must cite to a specific exemption and give an explanation, to explain that persons may be required to provide information relative to a determination of an exemption, to clarify an ambiguity in the copy fee rule, to clarify the review process when a requester is dissatisfied with the estimate of time given to respond, and to update the request form to maintain consistency with the form currently in use.

Statutory Authority for Adoption: RCW 43.10.110, chapters 42.17, 34.05 RCW.

Statute Being Implemented: RCW 43.10.110, 42.17.250, [42.17].260, [42.17].300, [42.17].310.

PROPOSED

Summary: There is a need to clarify a few current rules to aid the implementation of the public records law as related to the Office of the Attorney General.

Reasons Supporting Proposal: Current rules have not been reviewed or updated since 1994 and require clarification in a few minor instances.

Name of Agency Personnel Responsible for Drafting: Shirley Battan, Deputy Attorney General, Highways-Licenses Building, Olympia, Washington, (360) 586-2563; **Implementation:** Marian Graham, Public Records, Capitol Court Building, Olympia, Washington, (360) 753-2552; and **Enforcement:** Office of the Attorney General, Highways-Licenses Building, Olympia, Washington.

Name of Proponent: Office of the Attorney General, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The WAC 44-06-040 amendment changes the statutory reference to where exemptions are codified. The WAC 44-06-050 amendment will eliminate reference to Attorney General opinions being indexed "by statute" since this is not done. This should have no effect on service delivery for those requesting opinions as retrieval capability is still maintained as indicated in the rule. The WAC 44-06-060 amendment will change the title of the position to which public records requests are directed and should aid the direction of such requests within the agency. The WAC 44-06-080 amendments clarify in subsection (1) that FAX or e-mail requests are allowed, and that requests other than on the prescribed form are allowed and in subsection (3) clarify that a requester may be asked to provide additional information to determine the applicability of an exemption. The WAC 44-06-085(1) amendment will add new language reflecting that portion of RCW 42.17.310(4) that requires the agency to give specific exemptions and reasons along with any denial of public records; this should also aid the public in understanding the agency's obligation. The WAC 44-06-085 (4)(b) amendment will clarify the review process when a requester is dissatisfied with the estimate of time given to respond. The WAC 44-06-090 changes clarifies any ambiguity existent in the current rule about the per page fee for copying; this should assure that the public does not inadvertently overpay for copies. Finally, the WAC 44-06-140 amendment updates the request form to be consistent with the form currently being used. There are also several address changes in WAC 44-06-030, 44-06-060, 44-06-140, and 44-06-150.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. All changes relate to rules within the parameters of RCW 34.05.310(4), pursuant to RCW 19.85.025(2), the Regulatory Fairness Act therefore does not apply.

RCW 34.05.328 does not apply to this rule adoption. The agency is not within the scope of the statute as described in RCW 34.05.328(5).

Hearing Location: Office of the Attorney General, 4224 6th Avenue S.E., Building 1, Olympia, WA 98504-0130, on November 26, 1997, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Sharon Morrow at (360) 493-9500, by November 21, 1997, TDD 1-800-833-6388, or 1-800-833-6384.

Submit Written Comments to: Shirley Battan, Deputy Attorney General, P.O. Box 40100, Olympia, WA 98504-0100, FAX (360) 664-0228, by November 26, 1997.

Date of Intended Adoption: December 1, 1997.

October 20, 1997
Christine O. Gregoire
Attorney General

AMENDATORY SECTION (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

WAC 44-06-030 Function—Organization—Administrative offices. The attorney general's office is charged by the constitution and statutes with the general obligation of advising and legally representing the state of Washington, its officials, departments, boards, commissions and agencies but not the local units of government. In response to requests from state officers, legislators and prosecuting attorneys, the attorney general's office issues attorney general opinions. The published opinions of the attorney general's office are numbered as AGO (year of issue and number; i.e., AGO 1974 No. 1). Inquiries and correspondence concerning a matter where a specific assistant attorney general is identified as representing a specific agency should be directed to the specifically named assistant attorney general, if known; or the appropriate section of the office, if known.

Consumer protection complaints should be directed to the Consumer Protection Division, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012 or to local division offices located in Tacoma, Olympia, or Spokane. Communication concerning the New Motor Vehicles Warranty Act (the lemon law) should be directed to the Lemon Law Administration, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012. Other inquiries, including requests for attorney general's opinions, should be directed to the Attorney General's Office, P.O. Box 40100, State of Washington, Olympia, Washington 98504-0100.

In addition to the areas mentioned above, the office is divided into several divisions which provide legal advice to state agencies in particular subject matter areas. Because regional office addresses may change from time to time, current division addresses and telephone numbers should be obtained from the local telephone directory or you may obtain an organizational chart and the addresses and telephone numbers of the regional offices of the attorney general by requesting it from the Attorney General's Office, P.O. Box 40100, State of Washington, Olympia, Washington 98504-0100, phone (206) 753-6200. Attorney general offices are located in other cities in the state and are denominated as regional offices.

AMENDATORY SECTION (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

WAC 44-06-040 Public records available. Public records are available for public inspection and copying pursuant to these rules except as otherwise provided by chapter 42.17 RCW ((42-17-310)), any other law and these rules.

AMENDATORY SECTION (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

WAC 44-06-050 Index. The attorney general's office has indexed by subject matter the published opinions of the attorney general. An index is maintained in the law library, Olympia, Washington, indexing all published attorney general opinions, as described in WAC 44-06-030, by subject matter (~~and by statute~~). Retrieval capability is maintained in the central office, Olympia, Washington, for cases which have been filed involving the state, giving the name, the county and the cause number.

The volume of correspondence received by the attorney general's office is such that it would be unduly burdensome to formulate and maintain an index for all such correspondence. In lieu of an index the following filing system is utilized.

(1) Consumer protection complaints received by the consumer protection division are filed by firm name of the subject of the complaint, or by the subject matter of the complaint if no specific firm is named.

(2) Records of the new motor vehicle arbitration board as well as the lemon law administration are filed in the Seattle office, Lemon Law Administrator, Office of the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012.

AMENDATORY SECTION (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

WAC 44-06-060 Public records officer. (1) The public records officer for the attorney general's office shall be (~~the office services manager who shall be~~) responsible for responses to requests for public records. Except as provided in subsections (2) and (3) of this section, all requests for public records shall be directed to (~~Office Services Manager~~) Public Records Officer, Office of the Attorney General, (~~1110 Capitol Way S.,~~) P.O. Box (~~40107~~) 40100, Olympia, Washington 98504-~~(0107)~~ 0100.

(2) For those records maintained for lemon law administration for the New Motor Vehicles Warranty Act (chapter 19.118 RCW) the disclosure coordinator shall be located at the Office of Lemon Law Administration, Office of the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012.

(3) For those records maintained by the "business and fair practices division" aka consumer protection division (chapter 19.86 RCW), the disclosure coordinator shall be located at the Office of the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012.

AMENDATORY SECTION (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

WAC 44-06-080 Requests for public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing (or by FAX or electronic mail if desired) upon a form prescribed by the office which shall be available at the offices where records are maintained. A request that is made other than upon the form prescribed by the office is permissible, but must provide the information listed in (a) through (f) of this subsection. The form shall be presented to the public records officer; or to a member of the staff designated by him or her, if the public records officer is not available, at the office during the office hours specified in WAC 44-06-070. The request shall include the following information:

(a) The name of the person requesting the record;
(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;
(d) If the matter requested is referenced within a current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to a current index maintained by the office, an appropriate description of the record requested.

(f) If the request is for a list of individuals, the requester shall certify that the request is not for commercial purposes except as provided in RCW 42.17.260(7).

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or designated staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

(3) (~~When a person's identity is relevant to an exemption, that person may be required to provide personal identification.~~) The requester may be required to provide additional information necessary to determine the application of an exemption or other law to the record(s) requested.

AMENDATORY SECTION (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

WAC 44-06-085 Response to public records requests. (1) The office shall respond promptly to requests for disclosure. Within five business days of receiving a public record request, the office will respond by:

(a) Providing the record;
(b) Acknowledging that the office has received the request and providing a reasonable estimate of the time the office will require to respond to the request; or

(c) Denying the public record request. Agency responses refusing in whole or in part the inspection of a public record shall include a statement of the specific exemption authorizing the withholding of the record (or any part) and a brief explanation of how the exemption applies to the record(s) withheld.

(2) Additional time for the office to respond to a request may be based upon the need to:

(a) Clarify the intent of the request;
(b) Locate and assemble the information requested;
(c) Notify third persons or agencies affected by the request; or

(d) Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

PROPOSED

(3) In acknowledging receipt of a public record request that is unclear, the office may ask the requester to clarify what information the requester is seeking. If the requester fails to clarify the request, the office need not respond to it.

(4)(a) If the office does not respond in writing within five working days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:

- (i) Consider the request denied; and
- (ii) Petition the public records officer under WAC 44-06-120.

(b) If the office responds within five working days acknowledging receipt of the request and providing an estimate of the time required to respond to the request, and the requester feels the amount of time stated is not reasonable, the person seeking disclosure shall be entitled to:

- ~~(i) Consider the request denied; and~~
- ~~(ii) petition the public records officer ((under)) for a~~

review of the estimate of time. The procedures set out in WAC 44-06-120 shall apply to this review.

AMENDATORY SECTION (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

WAC 44-06-090 Copying fees. No fee shall be charged for the inspection of a public record. The office, however, will for requests under this chapter, charge ~~((one dollar for the first ten pages and))~~ ten cents per copy ~~((for additional pages))~~. The public records officer may waive the fee for copies when the expense of processing the payment exceeds the costs of providing the copies. These charges are necessary to reimburse the office for the costs of providing the copies of the public records and the use of the copying equipment. Payment should be made by check to the attorney general's office. The office may require that all charges be paid in advance of release of the copies of the records.

AMENDATORY SECTION (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

WAC 44-06-140 Adoption of form. The attorney general's office hereby adopts use by all persons requesting inspection and/or copies of records of the form set out below, entitled "Request for public records."

Return to:

Public Records Officer
Office of the Attorney General
~~((110 Capitol Way S.))~~
P.O. Box ~~((40107))~~ 40100
Olympia, Washington 98504-~~((0107))~~ 0100

OFFICE OF THE ATTORNEY GENERAL
REQUEST FOR PUBLIC RECORDS

Date Time
Name
Address
.....

Phone number where you can be reached during day
Description of Records ~~((see index))~~:
.....
.....
.....

If my request is for a list of individuals, I certify that the information obtained through this request will not be used for commercial purposes.

.....
Signature

Number of copies
Number of pages
Per page charge \$.
Total charge \$.

AMENDATORY SECTION (Amending WSR 94-13-039, filed 6/6/94, effective 7/7/94)

WAC 44-06-150 Availability of pamphlet. The office has available a pamphlet, written in plain language, explaining the provisions of the Public Records Act. Requests for a copy of the pamphlet should be directed to the Public Records Officer, Office of the Attorney General, ~~((1110 Capitol Way S., Suite 120, PO Box 40107))~~ P.O. Box 40100, Olympia, Washington 98504-~~((0107))~~ 0100.

WSR 97-21-124
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
[Filed October 21, 1997, 11:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-10-087.

Title of Rule: Policy for commemorative and art works on state capitol grounds.

Purpose: The purpose of this chapter is to establish rules governing the design and placement of major and minor works, to include commemorative works and other works of art, on state capitol grounds. These rules are intended to: (1) Ensure that major and minor works reflect subjects of lasting state-wide significance for the people of Washington. (2) Protect and maintain open space on state capitol grounds and preserve the views and vistas to and from the capitol; and to conserve options for placement of works by future generations. (3) To ensure that commemorative works and works of art on state capitol grounds are considered using a deliberate process, acknowledging the unique state capitol environment in which they are to be placed.

Statutory Authority for Adoption: Chapter 43.34 RCW
Statute Being Implemented: Section 140(3), chapter 149, Laws of 1997.

Summary: Provides definitions including roles and responsibilities, establishes criteria and administrative

requirements for all major and minor works to be placed on state capitol grounds; provides guidelines for site selection and design selection to be used in evaluating proposals for works on state capitol grounds, and establishes a procedure for the development and review of proposals for major works. Provides standards and procedures for minor works on state capitol grounds.

Reasons Supporting Proposal: General administration was directed to develop this rule by the 1997 legislature, with the goal of preserving and protecting state capitol grounds while providing guidance to those proposing memorials and artwork on state grounds.

Name of Agency Personnel Responsible for Drafting: Marygrace Jennings, 204K General Administration Building, Olympia, (360) 902-7208; Implementation and Enforcement: Marsha Tadano Long, 200 General Administration, (360) 902-7200.

Name of Proponent: Department of General Administration, State Capitol Committee, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to provide guidance for those proposing the placement of memorials or artwork on the state capitol campus, and establish a set of criteria and standards by which these proposals may be evaluated. The rule seeks to protect open space, conserve options for placement of memorials and works of art by future generations, and ensure that all major memorials and works of art are chosen and sited through a deliberate process. The rule provides definitions, roles and responsibilities of the implementing authorities, and criteria for all works, both major and minor, to be placed on state capitol grounds. It provides administrative criteria and guidelines for design and site development to serve both proposing entities and those evaluating and approving proposals. The rule provides a set of standards that apply to minor works, and a separate process for their approval. The anticipated effect of this rule is to provide guidance for those interested in proposing works for state capitol grounds, while protecting and preserving those public spaces.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This chapter will have no impact on business and is limited in scope to state capitol grounds.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. General administration is not a listed agency in section 201, chapter 403, Laws of 1995, and the agency does not elect to apply that section to this rule making.

Hearing Location: There will be three opportunities for public testimony on this proposed rule: On December 1, from 2 p.m. to 4 p.m. at the Spokane Public Library, Downtown Branch, 906 West Main, Room 1-A, Spokane, WA; and on December 2, from 3 p.m. to 5 p.m. and from 6 p.m. to 8 p.m., at the Labor and Industries Building, Auditorium (Room ST121), 7273 Linderson Way S.W., Tumwater, WA.

Assistance for Persons with Disabilities: Contact Shanna Dell by 5 p.m., November 25, TDD (360) 664-3799 or (360) 902-7211.

Submit Written Comments to: Marygrace Jennings, Rules Coordinator, Department of General Administration, P.O. Box 1000, Olympia, WA 98504-1000, by electronic mail Mgjenni@ga.wa.gov, or by FAX (360) 586-5898.

Date of Intended Adoption: December 18, 1997.

October 21, 1997

Marygrace G. Jennings
Rules Coordinator

Chapter 236-18 WAC POLICY FOR COMMEMORATIVE AND ART WORKS ON STATE CAPITOL GROUNDS

NEW SECTION

WAC 236-18-010 Purpose and authority. Pursuant to the authority granted by section 140(3), chapter 149, Laws of 1997, the director of the department of general administration hereby establishes the following rules governing the design and placement of major and minor works, to include commemorative works and other works of art, on state capitol grounds. The purposes of this chapter are as follows:

(1) To ensure that major and minor works reflect subjects of lasting state-wide significance for the people of Washington.

(2) To protect and maintain open space and preserve the natural views and vistas to and from the capitol, as envisioned by the Olmsted Brothers in their 1928 plan for the Washington state capitol grounds, and to conserve options for placement of works by future generations.

(3) To ensure that commemorative works and works of art on state capitol grounds are considered using a deliberate process, acknowledging the unique state capitol environment in which they are to be placed.

NEW SECTION

WAC 236-18-020 Roles, responsibilities, and definitions. As used in this chapter, the following definitions and roles apply:

(1) "Proposing entity" - Any individual or group advancing a proposal for placement of major or minor works on state capitol grounds.

(2) "State capitol committee" (SCC) - As established in RCW 43.17.070. The state capitol committee grants final approval for all development plans for state capitol grounds including the master plan, and for the design and site of major works to be located on state capitol grounds.

(3) "Capitol campus design advisory committee" (CCDAC) - As established in RCW 43.34.080(1):

The capitol campus design advisory committee is established as an advisory group to the capitol committee and the director of general administration to review programs, planning, design, and landscaping of state capitol facilities and grounds and to make recommendations that will contribute to the attainment of architectural, aesthetic, functional, and environmental excellence in design and maintenance of capitol facilities on campus and located in neighboring communities.

The CCDAC is further directed in 43.34.080(4)(e) to: . . . review plans and designs affecting state capitol facilities as they are developed. The advisory

committee's review shall include . . . (e) Landscaping plans and designs, including planting proposals, street furniture, sculpture, monuments, and access to the capitol campus and buildings.

(4) "Director" - The director of the department of general administration. Under RCW 43.19.125 the director " . . . shall have custody and control of the capitol buildings and grounds." The director provides preliminary reviews, evaluates proposals for major and minor works, and provides technical assistance to those proposing placement of major or minor works on state capitol grounds. The director approves minor works proposals.

(5) "Department" - The department of general administration.

(6) "Washington state arts commission" (WSAC) - As established in RCW 43.46.005 through 43.46.095, and as specifically authorized in RCW 43.46.050:

The commission shall meet, study, plan, and advise the governor, the various departments of the state and the state legislature and shall make such recommendations as it deems proper for the cultural development of the state of Washington.

(7) "State capitol grounds" - Those grounds as defined in WAC 236-12-015(5), as follows:

Those grounds owned by the state and otherwise designated as state capitol grounds, including the west capitol campus, the east capitol campus, Sylvester Park, the Old Capitol Building and Capitol Lake, ways open to the public and specified adjoining lands and roadways.

and including the north capitol campus, Centennial Park, the Tumwater campus and the Lacey campus.

(8) "West capitol campus" - Those state-owned grounds that constitute the state capitol grounds west of Capitol Way, and including all of the grounds addressed in the 1928 Olmsted Brothers landscape plan for the state capitol grounds.

(9) "East capitol campus" - Those grounds described in RCW 79.24.500 which includes the campus area north of Maple Park (16th Avenue) and south of 11th Avenue, east of Capital Way and west of Interstate 5 and the Interstate 5 entrance to the state capitol.

(10) "North capitol campus" - Those state-owned grounds north of the west capitol campus and west of Columbia Street, south of 5th Avenue and east of the Deschutes Parkway around Capitol Lake to the Interstate 5 bridge.

(11) "Tumwater campus" - Those state-owned grounds in the city of Tumwater bounded on the west by Interstate 5, on the north by Israel Road, on the east by Linderson Way S.W., and on the south by Airdustrial Way S.W.

(12) "Lacey campus" - Those state-owned grounds in the city of Lacey, bounded on the north by Martin Way, on the west and south by Saint Martin's Park and Saint Martin's Abbey, and on the east by the Woodland Creek protection zone.

(13) "Master plan" - The master plan for the capitol of the state of Washington. As used in this chapter, master plan includes any subcampus plans for state capitol grounds that describe in greater detail the planned development and use of the areas covered by the master plan.

(14) "Major work" - Any statue, monument, sculpture, work of art, memorial, or other structural or landscape feature, including a garden or memorial grove, of notable impact to viewers and to its surroundings. The impact of a work is defined by the combined effect of its subject matter, size, placement, and the degree to which it commands the environmental context into which it is set. Examples include the Winged Victory monument commemorating World War I, and the Tivoli Fountain. The term does not include any such item located within the interior of a structure.

(15) "Minor work" - As determined by the director, a work of moderate or minimal impact to viewers and to its surroundings, defined by the combined effect of its subject matter, size, placement, and ability to blend into or contribute to the planned character of its immediate environment. Examples include individual or small groupings of plants such as trees or shrubs, benches and other campus furnishings, historic event or site plaques, small sculptural elements and artistic works.

NEW SECTION

WAC 236-18-030 Criteria for major and minor works on state capitol grounds. Major and minor works placed on the state capitol grounds shall:

(1) Maintain the dignity of the state capitol grounds, its existing memorials, grounds, and buildings, and surrounding environment;

(2) Preserve views and vistas of the capitol buildings, Mount Rainier and the Olympic Mountains;

(3) Be consistent with the organizing principles and policies of the master plan, relevant subcampus plans, and any other subcampus plans reviewed by the department and the capitol campus design advisory committee and approved by the state capitol committee;

(4) Reflect the rich diversity of Washington's people, yet not be partisan in nature;

(5) Provide an enriching experience which illuminates and celebrates common values, and broadens understanding of Washington's heritage and culture;

(6) Honor individuals and events of lasting significance for the people of the state of Washington, as reflected by broad public consensus;

(a) Major and minor works shall honor individuals or groups of individuals only after the 10th anniversary of the individual's death or the death of the last surviving member of a group, when the enduring, historical, state-wide nature of their achievements has been demonstrated and broadly acknowledged;

(b) Commemorative works dedicated to military events or conflicts may be proposed during the lifetime of those who engaged in it, but not sooner than the 10th anniversary of the officially recognized end of the event.

NEW SECTION

WAC 236-18-040 Administrative requirements for major and minor works on state capitol grounds. Proposing entities must address the following administrative requirements in proposals for major or minor works.

(1) All development and installation costs, including required modifications and improvements to campus roads,

sidewalks and utilities, shall be provided by the proposing entity.

(2) The cost of new works shall be paid for by the proposing entity. Prior to construction or installation of an approved work, the director shall determine that the proposing entity has available sufficient funds to complete the project. The proposing entity shall also make provisions for coverage of all maintenance and repair costs throughout the existence of the work. This is commonly accomplished through an endowment fund estimated at a minimum of ten percent of the original project cost. If a major or minor work is incorporated into a state-funded repair or improvement, an agreement will be negotiated between the proposing entity and the state specifying how the project costs including construction, maintenance and repairs will be shared.

(3) Complete conservation records that include specific information on materials and sources used in the execution, methods of fabrication, installation specifications, recommended method and frequency of maintenance, and cautions about possible negative influences on the work shall be provided to the state upon the completion of all new works.

Upon final placement and completion of a work that has been designed for or donated to the state for display on state capitol grounds, the state shall become sole owner of the work. The original artist or designer holds no rights to any work commissioned, donated, or purchased for display on state capitol grounds, including reproduction, access, modification, relocation, resale, etc., unless such rights are specifically allowed in formal written agreement between the director and the artist.

The state reserves the right to relocate or remove any works. Relocation planning will include consultation with the original artist and interested parties whenever possible.

Starting in 2030, the centennial of the legislative building completion, and every fifty years thereafter, the state shall conduct a review of all monuments and memorials on state capitol grounds and recommend removal and appropriate disposition of those no longer meeting the criteria in WAC 236-18-030. The SCC shall approve all such actions.

NEW SECTION

WAC 236-18-050 Site selection criteria—General.

Except for replacement trees, no major or minor works will be placed on state capitol grounds unless detailed subcampus plans for a given area have been approved. Subcampus plans have been fully implemented for the Olmsted portion of the west campus, Sylvester Park, and the Old Capitol Building block. These areas of the state capitol grounds are considered complete. Subcampus plans are maintained by the department.

Because it was proposed prior to the effective date of section 140(3), chapter 149, Laws of 1997 (directing the adoption of this rule), and because the state legislature, through House Joint Memorial 1997-4000, clearly expressed support for a memorial to law enforcement officers on the state capitol campus, a major or minor work honoring law enforcement officers who have died in service to their communities and fellow Washington state citizens may be considered for placement on the west campus if it is designed in such a way as to minimally impact the current and

planned uses of the site and to blend with and complement existing campus and landscape features, and the work meets all other applicable criteria of this chapter.

Works directly associated with the activities of a specific state agency shall be considered for installation in the facility that houses that agency's main or subordinate office.

No donated work shall be accepted by the state for placement on state capitol grounds until a suitable site for the work has been selected and approved.

NEW SECTION

WAC 236-18-060 Guidelines for selecting sites for major works. Proposing entities must address the following considerations in selecting a site for a proposed major work. Formal proposals prepared by proposing entities must include a description of how the proposal considers and responds to each of these guidelines. These guidelines will be used by the department, CCDAC and SCC to evaluate and recommend or approve a final site.

(1) Setting. The space surrounding a work shall provide a setting that is compatible and supportive. In turn, the work in its setting shall be supportive of the surrounding landscape design and public functions, including those intended in the master plan.

(2) Size and scale. There must be a match between the size and scale of the work and its setting.

(3) Spatial envelopes. Freestanding works, through their presence, affect the territory in which they stand. The size of the surrounding spatial envelope defined by surrounding buildings and growth shall be considered since it is directly related to the size and scale of the work.

(4) Relationship to other existing works or features. The work shall not be of such size, scale or material as to interfere with any existing campus feature.

(5) Visual context. Visual works are perceived in relationship to their context, which may include open sky, landscape, or building facade. Their design and placement shall consider such contextual issues as silhouette, directionality, orientation, and background.

(6) Symbolic significance. The site shall reflect the level of significance of the subject matter of the work. Its prominence and visibility shall be appropriate to the subject matter of work in the context of other existing works and the surrounding state capitol grounds environment.

(7) Relationship to master plan composition. The work and the site shall be considered together in terms of the way they affect or establish relationships with existing axes, vistas, entry points, landmarks and buildings; and the way they may affect sensitive natural and historic features of the campus or impact current or planned uses of the proposed site.

(8) Additional issues may become apparent in the process of site selection for a specific theme, subject matter, or work, and shall be considered.

NEW SECTION

WAC 236-18-070 Guidelines for selecting designs for major works. Proposing entities must address the following guidelines in proposing a design for a major work. Formal proposals prepared by proposing entities must include a

description of how the design considers and responds to each of these guidelines. GA, CCDAC and SCC will use the following guidelines to evaluate and recommend or approve a final design selection.

(1) Legibility and meaning. The intended message of the work shall be clear and understandable, regardless of its type or style. The work shall convey meaning of enduring value that will continue its significance for future generations.

(2) Approachability and accessibility. Works shall be designed to permit people to engage with them: To have visual clues as to their location and to get close enough to be able to read them and examine details. Because major works often are gathering points, they shall be designed to meet Americans with Disability Act standards and, when necessary, provide such amenities as seating, paving, handrails, and ramps.

(3) Materials. Materials shall be chosen for their durability, sculptural qualities, visibility, and maintainability. Consideration shall also be given to rhythm and harmony with the existing setting.

(4) Vulnerability. The design of major and minor works shall be conscious of the potential for vandalism and minimize the opportunity for intentional defacement or destruction.

(5) Climatic context. The design shall consider issues of sunlight and shade, wind, rain and the variety of Washington seasons.

(6) Evening illumination. Major and minor works may be enhanced with night illumination integral to the work's design. Such illumination shall not conflict with other works, open space, buildings and their inhabitants, and the overall landscape.

(7) Completion. Works that by their nature are not complete at the time of installation, such as those to which names or dates are to be added over time, are strongly discouraged, except when such lists are incorporated as an integral part of the artistic design of the work.

NEW SECTION

WAC 236-18-080 Procedure for development and review of major works proposals. The department and the state capitol committee will follow a procedure for reviewing and evaluating major works proposed for placement on state capitol grounds, with the advice and assistance of the capitol campus design advisory committee and the Washington state arts commission.

The purpose of the procedure is to:

(1) Ensure that major works on state capitol grounds are carefully selected, designed, constructed and located to meet the criteria established in WAC 236-18-030 and address the guidelines provided in WAC 236-18-060 and 236-18-070;

(2) Preserve open space as a complete, precious and protected landscape feature of the state capitol grounds that invites public recreation and participation;

(3) Preserve options for placement of works on state capitol grounds for future generations. To further this purpose the department and the SCC shall:

(a) Encourage those proposing commemorative works to consider alternatives to monuments, such as groves, gardens,

sculpture, fountains, and the naming of existing campus features;

(b) Strongly encourage groups with related or similar interests to combine their proposals;

(c) Encourage proposing entities to consider temporary works, or to consider temporary placement on state capitol grounds of works to be permanently located at other sites;

(d) Cooperate with local authorities to develop opportunities for proposed works of significance to Washington state citizens which may be located outside the west campus of the state capitol grounds but within the capital community of Olympia, Tumwater and Lacey;

(4) Provide instructions to guide proposing entities in developing successful major works proposals.

The Washington state arts commission (WSAC) may undertake major works on the state capitol grounds as part of its responsibilities under chapters 43.46, 43.17 and 43.19 RCW. The site selection and criteria for these works shall be developed in compliance with the provisions of this chapter.

The procedure for development and review of major works proposals will follow the steps below.

1. Proposing entity.

a) Submits a preliminary proposal to the director for the development and placement of a major work on state capitol grounds. The preliminary proposal must describe:

- The concept and subject matter;
- How the proposal meets the criteria in WAC 236-18-030;

• Preconceived design and site considerations, if any, to include size of the work;

• A description of the kinds of activities the site and the work may need to accommodate (public gatherings or ceremonies, for example);

- Anticipated cost and planned source of funding.

b) Designates a single spokesperson for the proposing entity.

2. Department of general administration (GA).

a) Provides advice and assistance as needed in understanding and addressing the criteria in WAC 236-18-030 and makes available to proposing entities a copy of the master plan.

b) Reviews the preliminary proposal to determine if it meets the criteria in WAC 236-18-030 and should proceed to step three.

c) Informs the state capitol committee (SCC) of all proposals received and reviewed.

3. GA director and spokesperson for the proposing entity.

Provide an initial briefing to the members of the SCC on the preliminary proposal. The purpose of this briefing is to identify threshold issues or concerns with the proposing entity's concept, subject, or siting considerations. Capitol campus design advisory committee (CCDAC) members shall also receive initial briefings at this time.

4. SCC.

a) Grants approval to proceed with site selection (step 5); or

b) Denies approval; or

c) Refers the proposal to the CCDAC for review and advice; and/or

d) Requests that the proposing entity reconsider aspects of their proposal.

5. Proposing entity.

Once preliminary proposal has been approved by the SCC, describes the conditions and characteristics of the proposed work that may affect its location, developing a set of criteria that describe a preferred setting and design. In the case of existing works, the criteria will relate only to the setting for the work.

6. GA.

a) Reviews appropriate subcampus plans to identify planned sites meeting the criteria developed by the proposing entity. GA will consult with the proposing entity, and may provide a campus tour, discuss possible locations, and point out any constraints or barriers to various locations.

b) Selects a short list of sites that best meet the criteria.

c) Establishes specific design and site development guidelines for each site. These specific guidelines describe in greater detail the opportunities or restrictions on design development that are unique to each site.

7. CCDAC and WSAC.

Review selected sites and the development guidelines established by GA. CCDAC and WSAC may meet together or separately. Either body may:

a) Recommend revisions to GA's site development guidelines; or

b) Recommend that the proposing entity reconsider aspects of their preliminary proposal; or

c) Offer recommendations for consideration by the SCC.

8. GA director and spokesperson for the proposing entity.

a) Brief the SCC on the sites and site development guidelines.

b) If the proposal is for a work yet to be selected or designed, the proposing entity also describes:

- The selection/design process to be used;
- Anticipated budget and source of funding; and
- Preconceived design considerations within the context of the proposed sites.

9. SCC.

a) Grants site approval and, if the proposal is for placement of an existing work, authorizes the department to acquire the work; or

b) Requests further consideration by GA and CCDAC.

10. Proposing entity.

a) Once the site has been approved by the SCC, begins a process to design or select the work if the proposed work is yet to be selected or designed. This step may take several forms: A design competition; selection from a list of appropriate available works; selection of an artist or team which might include an artist, architect, or landscape architect who will design and produce a custom work. GA may provide assistance in this process. One representative of the department and one representative of the CCDAC shall be included in the proposing entity's selection process and final selection committee.

b) Selects final design proposal or proposes a completed work.

c) Submits a formal proposal to GA and the SCC that describes:

- How the proposal meets the criteria in WAC 236-18-030;

- How the proposal considers and responds to the guidelines provided in WAC 236-18-060 and 236-18-070;

- How the proposal addresses the administrative requirements of WAC 236-18-040; and

- Scale drawings or illustrations. A scale model may also be provided.

11. CCDAC, WSAC.

Review the formal proposal, meeting together or separately, and make recommendations to the director and to the SCC.

12. GA director and spokesperson for the proposing entity.

Present the formal proposal to the SCC for approval.

13. SCC.

a) Grants final approval; or

b) Requests that the CCDAC, WSAC, and GA director continue to work with the proposing entity to redevelop the proposal.

c) May require future check points.

NEW SECTION

WAC 236-18-090 Standards for minor works on state capitol grounds. The requirements of WAC 236-18-040 and the guidelines established in WAC 236-18-060 and 236-18-070 shall apply for design and placement of minor works to the extent applicable, as determined by the director on a case-by-case basis. Minor works may include small artistic works and sculptural elements.

Plaques. Historic markers describing a memorialized person, historic place or event, or plaques describing a work or identifying significant natural features shall be fabricated to meet the following standards:

(1) Material – cast bronze.

(2) Letter style – bookman.

(3) Border style – single line edge.

(4) Background texture – pebble.

(5) Finish – bronze satin face and edges, natural colored background, semi-gloss polyurethane finish.

(6) Size – no larger than two hundred sixteen square inches (approximately 12" x 18"), no smaller than eighty square inches (approximately 8" x 10").

(7) Mounting - plaques shall be mounted on a concrete or cut stone base with a tilted face 12" or less above grade, to be determined by location of the plaque.

Living memorials. Living memorials consist of trees, shrubs, gardens, or other plantings to commemorate an individual or event. When proposing the placement of a living memorial on state capitol grounds the life expectancy of the memorial and the cost of maintenance shall be considered by the proposing entity. Selection of plant types shall be coordinated with the department for compatibility with landscape plans and existing plantings. The department shall encourage the replacement of existing, aging, or ill trees and shrubs in lieu of new plantings. When a living memorial dies, it will not be automatically replanted.

Fixtures and furnishings. Benches and other campus furnishings shall comply with Washington state capitol campus exterior furnishings and fixtures design guidelines. These guidelines are available from the department.

NEW SECTION

WAC 236-18-100 Approval process for minor works on state capitol grounds. Proposing entities must submit a proposal to the director for placement of a minor work on state capitol grounds. The proposal shall include:

- (1) A description of the work;
- (2) An explanation of why the proposing entity believes it fits the definition of a minor work;
- (3) A description of how the proposal meets the criteria in WAC 236-18-030 and the requirements of WAC 236-18-040, and considers and responds to the applicable guidelines under WAC 236-18-060 and 236-18-070.

The director will confirm that a proposed work is a "minor work" based on the definition provided in this rule, and may grant approval or request additional information. Review or approval by the capitol campus design advisory committee, the Washington state arts commission and the state capitol committee is not required; however, the director may seek their advice at his or her discretion.

The department will work with the proposing entity on design and siting considerations.

**WSR 97-21-132
PROPOSED RULES
PARKS AND RECREATION
COMMISSION**

[Filed October 21, 1997, 3:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-18-069.

Title of Rule: Chapter 352-24 WAC, Concessions and leases.

Purpose: Rules being modified or repealed and will be supplemented by new concession policy.

Statutory Authority for Adoption: RCW 43.51.040(5).

Summary: Repealing most of this chapter of WAC, which will be replaced by commission policy on concessions.

Reasons Supporting Proposal: Regulations were outdated and inflexible to changing business environment.

Name of Agency Personnel Responsible for Drafting: Wayne McLaughlin, 7150 Cleanwater Lane, Olympia, (360) 902-8599; Implementation and Enforcement: Kathryn Smith, 7150 Cleanwater Lane, Olympia, (360) 902-8594.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule provides guidelines for concessions agreements, contracts, and leases used by the parks commission to provide services to park visitors. Services include: Snack bars, grocery stores, restaurants, equipment rentals etc. Existing rule is used as a basis for concession contracts and provides some policy guidance as well.

Proposal Changes the Following Existing Rules: Most of the chapter of WAC is proposed to be repealed, and will be replaced by comprehensive commission policy on

concessions and leases. The first section is being amended to refer to the new policy.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This WAC regulates only contracts with small businesses which provide services within state parks, under contracts with the parks commission. There are no compliance costs to small businesses.

RCW 34.05.328 does not apply to this rule adoption. Significant legislative rule-making requirements are not imposed on the state Parks and Recreation Commission nor has the commission voluntarily applied these requirements.

Hearing Location: Washington Trade and Convention Center, 800 Convention Place, Seattle, WA 98101, on December 5, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Don Simmons by November 21, 1997, (206) 931-3907.

Submit Written Comments to: Kathryn Smith, 7150 Cleanwater Lane, Olympia, WA 98504, FAX (360) 586-5875, by November 19, 1997.

Date of Intended Adoption: December 5, 1997.

October 21, 1997

Jim French

Policy Analyst

AMENDATORY SECTION (Amending Order 7, filed 4/1/70)

WAC 352-24-010 Approval of concessions and leases—Concession policies. The commission shall approve, or disapprove, all concessions and leases, and may, in its discretion, authorize the director to sign any lease or concession agreement on behalf of the commission, which authorization shall be incorporated into the minutes of the regular or special meeting at which it is granted. Specific policies concerning concessions and leases have been adopted by the commission and are available upon request.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 352-24-020 Preservation and use.
- WAC 352-24-030 Merchandising.
- WAC 352-24-040 Acquisition and ownership of facilities by the commission.
- WAC 352-24-050 Definitions.
- WAC 352-24-060 Abandonment or destruction of improvements.
- WAC 352-24-070 Compensation for concessionaire's possessory interest.
- WAC 352-24-080 Compensation to the state for improvements placed by the state.
- WAC 352-24-090 General provisions.
- WAC 352-24-100 Bidding procedures.
- WAC 352-24-110 Notification to bidder.
- WAC 352-24-120 The highest and best bid.
- WAC 352-24-130 Commission's acceptance.
- WAC 352-24-140 Bond requirement.
- WAC 352-24-150 Transactions involving interest of concessionaire.
- WAC 352-24-160 Advertising.

PROPOSED

WAC 352-24-170	Concessionaire's employees.
WAC 352-24-180	Anti-discrimination.
WAC 352-24-190	Representation of commission endorsement.
WAC 352-24-200	Sale of majority stock interest in corporation.
WAC 352-24-210	Approval of subconcession contracts.
WAC 352-24-220	Violation of lease.
WAC 352-24-230	Preferential right.
WAC 352-24-240	Insurance requirement.
WAC 352-24-250	Contract, franchise, or lease fees.
WAC 352-24-260	Audits, accounting records and reports.
WAC 352-24-270	Provision for arbitration.
WAC 352-24-280	Temporary concession permits.

WSR 97-21-134**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed October 22, 1997, 8:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-17-094.

Title of Rule: Noxious weed control.

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

Statutory Authority for Adoption: Chapters 17.10 and 17.24 RCW.

Statute Being Implemented: Chapters 17.10 and 17.24 RCW.

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

Reasons Supporting Proposal: Yellow nutsedge is a serious noxious weed of agronomic crops. Soil containing nutlets is the primary mode of spread in cultivated land. Because it is highly invasive, left unchecked the spread of this Class B weed would entail great economic loss to agricultural industries in the state of Washington.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; Implementation and Enforcement: Diane Dolstad, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-2071.

Name of Proponent: Thurston County Noxious Weed Control Board and the Washington State Noxious Weed Control Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state Noxious Weed Control Board establishes the noxious weed list which includes yellow nutsedge. The state Noxious Weed Control Board requested this rule be adopted.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Yellow nutsedge is a serious noxious weed of agronomic crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. This rule would prevent spread through contaminated soil. Because yellow nutsedge is highly invasive, left unchecked the spread of this Class B weed would entail great economic loss to agricultural industries in the state of Washington.

Proposal Changes the Following Existing Rules: This proposal adds an additional site to the existing Cowlitz County quarantine.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The yellow nutsedge quarantine under chapter 17.10 RCW is site specific to a single property at the Port of Olympia. The cost of control of yellow nutsedge, a highly invasive noxious weed, to homeowners, landscapers, and other users of the plants from the nursery on the property and those impacted by secondary infestations, would greatly exceed the impact on the leaseholder.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Washington State Department of Agriculture, 1111 Washington Street, 2nd Floor, Conference Room 259, Olympia, WA 98504-2560, on December 8, 1997, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by December 1, 1997, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Mary Toohey, Assistant Director, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2094, by December 8, 1997.

Date of Intended Adoption: December 11, 1997.

October 22, 1997

Mary A. Martin Toohey
Assistant Director

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

WAC 16-752-300 Establishing quarantine. Yellow nutsedge (*Cyperus esculentus* L.) is a herbaceous perennial that is one of the most serious noxious weeds of agronomic crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. It is highly invasive and its unchecked spread would entail great economic loss to the agricultural industries of the state. It is a class B noxious weed designated for control in Cowlitz (~~County~~) and Thurston counties (WAC 16-750-011(~~(27)~~) (33)(a)). Yellow nutsedge infests a dredging spoil site at the Port of Kalama in Kalama, Washington and a plant nursery site at the Port of Olympia in Tumwater, Washington. Movement of material from (~~this~~) these sites (~~(has initiated)~~) initiates additional infestations. RCW 17.10.210 provides that either the director or the county noxious weed control board or a weed district may issue an order for quarantine and restriction or denial of access to land determined to be so seriously

infested that control measures cannot be undertaken without quarantine of the land. The director has determined:

- (1) That the identified sites ~~((†))~~ are so seriously infested as to require quarantine; and
- (2) That the movement of contaminated materials from ~~((this))~~ these sites presents an immediate threat of infestation to the rest of the county agricultural and nonagricultural areas; and
- (3) That the restriction of such spread is critical to control efforts.

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

WAC 16-752-305 Quarantine area. The quarantine area shall encompass the dredge spoil site at and owned by the Port of Kalama, located along Hendrickson Drive, Kalama, Washington, and the Port of Olympia, located at the Olympia Airport, Tumwater, Washington, and more particularly described ~~((as follows:~~

~~The following described real estate, situated in the county of Cowlitz, state of Washington:))~~ in subsections (1) and (2) of this section.

Real estate situation in the counties of Cowlitz and Thurston, state of Washington:

(1) Cowlitz County parcel - containing twenty-three acres, more or less.

A tract of land in the Jacob Ahles D.L.C. No. 44 in Section 20, Township 6 north, Range 1 west of the Willamette Meridian, more particularly described as follows:

Beginning at a point on the north line of a tract of land leased to the North Pacific Grain Growers, Inc., said point being north 2374.49 feet, and north 88 degrees 46'22" west parallel with the south line of said Ahles D.L.C., 263.94 feet from the southeast corner of said Section 20; thence north 1 degree 12'00" west 612.50 feet; thence north 20 degrees 23'00" west 186.52 feet to a point 30.00 feet westerly when measured at right angles from the westerly line of the Northern Pacific Railway right of way; thence parallel with and 30.00 feet from said right of way north 37 degrees 24'37" west 1325.90 feet; thence south 61 degrees 05'28" west 344.47 feet to the inner harbor line as shown on the Plat of Kalama Tidelands; thence south 27 degrees 54'56" east along said inner harbor line 1045.78 feet to the one mile limit as shown on said plat; thence south 62 degrees 05'04" west 100 feet to the low water line of the Columbia River; thence south 22 degrees 48'46" east along said low water line 751.17 feet to said north line of the North Pacific Grain Growers, Inc. lease; thence south 88 degrees 46'22" east parallel with said south line of the Ahles D.L.C. 492.48 feet to the true point of beginning.

(2) County of Thurston, state of Washington:

Parcel number 12711230000 - a portion of this parcel containing twenty-two acres of nursery production, more or less and three access roads one of which begins at 85th Avenue SW, the other two begin at Old Highway 99 SW.

A tract of land in Section 11, Township 17 north, Range 2 west of the Willamette Meridian, more particularly described as follows:

A portion of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter,

Section 11, Township 17 North, Range 2 West, W.N., Thurston County, Washington.

Beginning at the South Quarter corner of Section 11; thence north 01°53'09"E, along the center of the section line 77.6 feet to the southerly edge of the infestation, said point being 75 feet northerly of the center of taxiway 5 and the point of beginning; thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 1254.2 feet to coordinate pair N 604966 E 1043268 North American Datum 83/91, Washington State Lambert projection South Zone; thence north 01°32'43"E parallel to and 75 feet westerly of taxiway 5, 256.1 feet (N 605222 E 1043275); thence north 74°44'42" W, parallel to and 200 feet southerly of runway 8-26, 2031.7 feet (N 605757 E 1041315); thence south 12°53'58"W, parallel to and 75 feet easterly of taxiway 4, 744.6 feet (N 605031 E 1041148); thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 866.5 feet to the point of beginning. TOGETHER WITH: Two (2) 50 foot easements for ingress and egress described as follows: Beginning at the centerline of Old Highway 99 at coordinate pair N 605688 E 1044159; thence south 62°13'04"W, 337 feet (N 605531 E 1043861); thence south 37°34'07"W, 66 feet (N 605479 E 1043821); thence south 15°34'51"W, 432 feet (N 605063 E 1043705); thence south 56°50'31"W, 90 feet (N 605014 E 1043630); thence north 73°42'21"W, 135 feet (N 605052 E 1043500); thence south 73°31'23"W, 47 feet (N 605031 E 1043429).

Beginning at the coordinate pair N 605479 E 1043821; Thence north 10°18'17"W, 78 feet (N 605556 E 103807); Thence north 52°23'38"W, 93 feet (N 605613 E 1043733); Thence north 74°34'40"W, 331 feet (N 605701 E 1043414); Thence north 24°31'11"W, 63 feet (N 605758 E 1043388); Thence north 0°58'36"W, 352 feet (N 606110 E 1043382).

Beginning at the end of 85th Avenue SE; Thence north 14°36'57"W, 44 feet; Thence north 1°44'13"E, 103 feet; Thence north 1°44'13"E, 122 feet; Thence north 4°2'36"E, 103 feet; Thence north 1°44'13"E, 140 feet; Thence north 3°31'10"E, 134 feet; Thence north 1°44'13"E, 146 feet; Thence north 6°43'41"W, 141 feet; Thence north 6°3'35"W, 92 feet; Thence north 1°44'13"E, 128 feet; Thence north 15°58'50"W, 96 feet; Thence south 85°33'49"W, 113 feet; Thence north 88°15'39"W, 100 feet; Thence north 85°38'49"W, 133 feet; Thence north 88°15'36"W, 137 feet; Thence north 85°28'20"W, 125 feet; Thence south 89°35'45"W, 162 feet; Thence north 88°15'32"W, 129 feet; Thence north 88°15'30"W, 200 feet; Thence north 88°15'28"W, 150 feet; Thence north 85°43'23"W, 137 feet; Thence north 88°38'45"E, 113 feet; Thence north 83°56'12"W, 242 feet; Thence north 40°38'52"W, 25 feet; Thence north 40°6'3"W, 25 feet.

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

WAC 16-752-310 Articles whose movement is restricted. The movement of all plants and parts of plants of yellow nutsedge and soil contaminated with propagules ~~((nutlets or seeds))~~ of the plant, including soil in nursery pots, is covered by this quarantine. The movement of all balled and burlap nursery stock is covered by this quarantine.

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

WAC 16-752-315 Regulations. Use of the property identified in WAC 16-752-305 is restricted as follows:

(1) All removal of sand or soil, potted nursery plants and other plants from the quarantine site, except as provided in subsection (6) of this section, is prohibited without a permit from the Cowlitz or Thurston County noxious weed control board that details the end use and exact geographic destination.

(2) All land disturbing operations including excavation, utilities work, and similar activities require a one time, no fee permit from the weed board that obligates the operator to thoroughly hose down all equipment before leaving the quarantine area and record the next two areas where the equipment is used after leaving the quarantine area.

(3) All off-road vehicles are banned in the quarantine area without the written permission of the Cowlitz or Thurston County noxious weed control board, except in designated parking areas.

(4) All weed control measures and irrigation practices in the quarantine area are to be ~~((undertaken in consultation with))~~ conducted at the direction of the Cowlitz or Thurston County noxious weed control board.

(5) Yellow nutsedge control shall take precedence over all other land uses in the quarantine area.

(6) The Cowlitz or Thurston County noxious weed control board may designate and clearly mark portions of the site as free from infestation and allow removal of sand or soil from these areas without specific permit to nonagricultural sites: *Provided*, That adequate precautions are taken to prevent commingling of infested and noninfested soils and equipment used in the infested area is thoroughly cleaned before use in the area designated as uninfested.

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

WAC 16-752-320 Costs of quarantine. The costs of serving the notice required by RCW 17.10.210(2) shall be borne by the department. The costs of control work shall be borne by the landowner unless otherwise determined by the Cowlitz or Thurston County noxious weed control board or the director in consultation with the Washington state noxious weed control board.

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

WAC 16-752-330 Violation and penalty. Any person who violates this quarantine shall have committed a civil infraction and shall be subject to the provisions of RCW 17.10.310 and 17.10.350 and WAC ~~((16-750-900(3)))~~ 16-750-020 which provides ~~((a))~~ monetary ~~((penalty))~~ penalties of up to one thousand dollars per infraction.

**WSR 97-21-137
PROPOSED RULES
DEPARTMENT OF HEALTH**
[Filed October 22, 1997, 9:24 a.m.]

Original Notice.

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

Title of Rule: Radiation machine facility registration fee, WAC 246-254-053.

Purpose: To cover a 3% cost-of-living salary increase and to provide for an increase in staff time needed to meet a growing work load.

Statutory Authority for Adoption: RCW 43.70.110, 43.70.250, and chapter 70.98 RCW.

Summary: The proposed rule increases the registration fees paid by x-ray facility operators to the x-ray compliance program. The magnitude of these fee increases ranges from 1.12% to 3.75%.

Reasons Supporting Proposal: To cover a 3% cost-of-living salary increase and to provide for an increase in staff time needed to meet increases in work load.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Odlag, Seattle, (206) 464-5408.

Name of Proponent: Washington State Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule concerns increases in the registration fees paid by x-ray facility operators to the x-ray compliance program. The magnitude of these fee increases range from 1.12% to 3.75%. The purpose of the rule is to cover a 3% cost-of-living salary increase and to provide for an increase in staff time needed to meet an increase in work load. The changes in fees are as follows:

	Base fee (all facilities)	Additional tube fee (medical facilities)	Additional tube fee (all others)	Shielding calculations and Floor plan review fee (all facilities)	Penalty fee on late plan submissions and payments (all facilities)
Current:	\$44.50	\$60.00	\$21.00	\$89	\$89
Proposed:	\$45.00	\$62.25	\$21.75	\$90	\$90

PROPOSED

Proposal Changes the Following Existing Rules: The proposal changes the existing rule by increasing the current fees as indicated above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required for rules that set or adjust fees or rates pursuant to legislative standards.

RCW 34.05.328 does not apply to this rule adoption. A significant rule analysis is not required for rules that set or adjust fees or rates pursuant to legislative standards.

Hearing Location: The 7th Floor Conference Room of the Melbourne Tower, 1511 3rd Avenue, Seattle, WA, 98101, on Tuesday, December 2, 1997, at 10 a.m.

Assistance for Persons with Disabilities: Contact Mike Odlaug by Tuesday, December 2, 1997, TDD 1-800-833-6388.

Submit Written Comments to: Mike Odlaug, 1511 3rd Avenue, Suite 700, Seattle, WA 98101-1632, FAX (206) 464-7081, by December 2, 1997.

Date of Intended Adoption: Friday, December 5, 1997.

October 22, 1997

Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending WSR 96-11-043, filed 5/8/96, effective 6/28/96)

WAC 246-254-053 Radiation machine facility registration fees. (1) Persons owning and/or leasing and using radiation-producing machines shall submit ~~((an eighty-nine dollar))~~ a ninety dollar registration fee to the department at the time of application and every two years thereafter. In addition:

(a) For dentists, veterinarians, and podiatrists, add:

(i) Ninety dollars for the first tube; and

(ii) ~~((Forty-two dollars))~~ Forty-three dollars and fifty cents for each additional tube.

(b) For hospitals and medical or chiropractic facilities, add:

(i) Two hundred fifty dollars for the first tube; and

(ii) ~~((twenty dollars))~~ twenty-four dollars and fifty cents for each additional tube.

(c) For industrial, research, and other uses, add:

(i) One hundred forty dollars for the first tube; and

(ii) ~~((Forty-two dollars))~~ Forty-three dollars and fifty cents for each additional tube.

(2) The department shall charge a maximum total fee of five thousand five hundred dollars for any facility or group of facilities where an in-house, full-time staff of at least two or more is devoted entirely to in-house radiation safety.

(3) A penalty fee of ~~((eighty-nine))~~ ninety dollars shall be charged for late registration or late reregistration.

(4) A fee of ~~((eighty-nine))~~ ninety dollars shall be charged for review of medical x-ray shielding calculations and floor plans submitted under WAC 246-225-030. This fee shall be added to the registration fee described above.

(5) A penalty fee of ~~((eighty-nine))~~ ninety dollars shall be charged to a facility where submittal of medical x-ray shielding calculations and floor plans is not made before x-ray machine installation as required under WAC 246-225-030. This penalty fee shall be added to the registration fee described above.

(6) Facilities electing to consolidate x-ray machine registrations into a single registration shall be able to demonstrate and document that their businesses are under one business license.

(7) No additional tube fee shall be charged for electron microscopes, mammographic x-ray machines or airport baggage cabinet x-ray systems. Only the base registration fee described above is applicable.

WSR 97-21-138
PROPOSED RULES
STATE BOARD OF HEALTH
[Filed October 22, 1997, 9:27 a.m.]

Original Notice.

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

Title of Rule: WAC 246-282-005 Minimum performance standards, minimum performance standards for licensed commercial shellfish operators.

Purpose: To adopt the federal Food and Drug Administration (FDA) hazard analysis critical control point (HACCP) regulations for seafood processors which are applicable to the shellfish industry. The rules are intended to prevent foodborne illness from contaminated molluscan shellfish through proper handling at every step in the shellfish growing/harvesting/processing cycle.

Statutory Authority for Adoption: RCW 69.30.030.

Summary: The Department of Health (DOH) proposes adopting the Food and Drug Administration's seafood hazard analysis critical control point (HACCP) regulations by reference into WAC 246-282-005.

Reasons Supporting Proposal: Department of Health adoption will ensure that commercial molluscan shellfish operations in the state will continue to be primarily inspected and regulated by DOH. This will avoid an overlap in federal/state regulatory authority and keep shellfish operations from being regularly inspected by both DOH and FDA.

Name of Agency Personnel Responsible for Drafting: Ned Therien, Building 4, Airdustrial Complex, Tumwater, (360) 664-4372; Implementation and Enforcement: Jennifer Tebaldi, Building 4, Airdustrial Complex, Tumwater, (360) 664-3257.

Name of Proponent: Department of Health, governmental.

Rule is necessary because of federal law, 21 CFR 123.3-123.28, 1240.3 and 1240.60.

Explanation of Rule, its Purpose, and Anticipated Effects: Molluscan shellfish pose a significant risk to public health if not properly handled at every step in the shellfish growing/harvesting/processing cycle to prevent contamination. The federal HACCP rules for seafood will require operations to evaluate their food processing procedures and monitor the steps to reduce potential hazards to consumers. Each shellfish operation which conducts processing (as defined by FDA) will be required to develop and implement a written HACCP plan. The HACCP principles have been employed by other segments of the food industry to reduce the risk of foodborne illness.

Proposal Changes the Following Existing Rules: The HACCP regulations are new requirements for the commer-

cial shellfish industry. All other existing rules remain unchanged.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal adopts federal rules by reference into Washington Administrative Code (WAC) and is exempt from the requirement to prepare a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. This proposal adopts federal rules by reference into Washington Administrative Code (WAC) and is exempt from the analysis required by RCW 34.05.328.

Hearing Location: Doubletree Hotel, SeaTac, 18440 Pacific Highway South, Seattle, WA 98188, on December 10, 1997, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Ned Therien by December 3, 1997, TDD (800) 833-6388, or FAX (360) 586-4499.

Submit Written Comments to: Ned Therien, Office of Shellfish Programs, P.O. Box 47824, Olympia, WA 98504, FAX (360) 586-4499, by November.

Date of Intended Adoption: December 10, 1997.

October 20, 1997

Sylvia Beck

Executive Director

AMENDATORY SECTION (Amending WSR 96-18-096, filed 9/4/96, effective 10/5/96)

WAC 246-282-005 Minimum performance standards. (1) Every person engaged in a shellfish operation shall comply with and shall be subject to:

(a) The "satisfactory compliance" standards of the 1995 revision of the National Shellfish Sanitation Program (NSSP) Manual of Operations Part I and II, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration. Copies can be obtained through the U.S. Food and Drug Administration, Shellfish Sanitation Branch, and the Washington state department of health, office of shellfish programs.

(b) The provisions of 21 CFR, Part 123 - Fish and Fishery Products, adopted December 18, 1995, by the United States Food and Drug Administration, regarding Hazard Analysis Critical Control Point (HACCP) plans. Copies can be obtained through the U.S. Food and Drug Administration, Office of Seafood, and the Washington state department of health, office of shellfish programs.

(c) All other provisions of this chapter.

(2) Where a "satisfactory compliance" provision is inconsistent with a provision otherwise established under this chapter or other state law or rule, the more stringent provision, as determined by the department, shall apply.

WSR 97-21-139

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 97-07—Filed October 22, 1997, 9:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-09-018.

Title of Rule: Emission standards and controls for sources emitting gasoline vapors.

Purpose: To reduce ozone by controlling volatile organic compound (VOC) precursors emitted during gasoline refueling.

Statutory Authority for Adoption: RCW 70.94.155, [70.94.]165 and [70.94.]333.

Statute Being Implemented: RCW 70.94.165.

Summary: The proposed rule requires maintenance of Stage 2 gasoline refueling vapor controls in Thurston and Cowlitz counties until December 31, 2002, unless ecology determines that controls are important for a longer period to achieve or maintain the National Ambient Air Quality Standard for Ozone in another county. The rule also ends the requirement for Stage 2 in Skagit, Whatcom and Wahkiakum counties and at stations in Thurston and Cowlitz counties selling less than 1.2 million gallons annually. Definitions and requirements are changed to streamline requirements and to conform with federal requirements.

Reasons Supporting Proposal: Stage 2 vapor controls in Thurston and Cowlitz counties are important to maintaining the National Ambient Air Quality Standard for Ozone in the Southwest Air Pollution Control Authority and Puget Sound Air Pollution Agency ozone maintenance areas.

Name of Agency Personnel Responsible for Drafting: Kitty Gillespie, P.O. Box 47600, Olympia, WA 98504, (360) 407-6862; Implementation and Enforcement: Joe Williams, P.O. Box 47600, Olympia, WA 98504, (360) 407-6880.

Name of Proponent: Department of Ecology, Air Quality Program, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The hearing will consider comments on draft technical findings and determinations that are required by statute.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Central Puget Sound (King, Pierce and Snohomish counties) and Clark County previously violated the federal ozone standard. The 1996 legislature directed the Department of Ecology to conduct a study to determine whether Stage 2 gasoline vapor controls in western Washington counties are important to achieving or maintaining the standard. Ecology determined that maintaining Stage 2 at gas stations selling over 1.2 million gallons of gasoline annually in Thurston and Cowlitz counties is important to maintaining the standard in neighboring counties.

Beginning with model year 1998, onboard vapor recovery systems (OBVRS) will be phased in on passenger vehicles and light duty trucks. When the phase-in is complete, OBVRS will supplant the need for Stage 2 controls. If OBVRS control enough VOCs by the end of 2002, and Stage 2 is no longer important to managing ozone, controls may be removed in Thurston and Cowlitz counties. To maintain Stage 2 after December 31, 2002, ecology must make a positive determination that controls are still important.

The rule also continues an existing requirement to install and maintain Stage 2 in King, Pierce, Snohomish and Clark counties at stations dispensing over 600,000 gallons of gasoline annually by December 31, 1998. In Kitsap County,

PROPOSED

Stage 2 is required by December 31, 1998, at gas stations dispensing over 840,000 gallons annually.

Stage 2 controls may be removed in Island, Lewis, Skagit, Wahkiakum, and Whatcom counties, and at stations dispensing less than 1.2 million gallons in Cowlitz and Thurston counties unless they are needed to control air toxics.

Stage 2 gasoline vapor controls are required under the following conditions: By December 31, 1998, all facilities located in a nonattainment or maintenance plan county dispensing greater than 600,000 gallons of gasoline annually, except in Kitsap County, all facilities dispensing greater than 840,000 gallons annually (this reflects current local air quality rules). All gas stations in Thurston and Cowlitz counties selling over 1.2 million gallons of gasoline shall install and maintain Stage 2. This requirement will end on December 31, 2002 unless ecology determines that Stage 2 is important to achieving or maintaining the National Ambient Air Quality Standard for Ozone in a nonattainment or maintenance plan county. Stage 2 vapor controls may be removed in Island, Lewis, Skagit, Wahkiakum, and Whatcom counties, and at stations dispensing less than 1.2 million gallons in Cowlitz and Thurston counties. (Removal of Stage 2 is a modification of an existing source. Prior to removing Stage 2, gas station owners and operators are required to file a notice of construction to determine whether Stage 2 is required to control of air toxics.)

Stage 1 requirements of chapter 173-490 WAC are included and miscellaneous changes are made to definitions to streamline and simplify the rule. None of these changes results in a substantive change to an existing rule.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule removes existing controls. The impact on small business is expected to be minimal.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The proposed rule incorporates a significant change in the requirements for gasoline vapor recovery systems.

Hearing Location: Washington State Department of Ecology, Headquarters Building, 300 Desmond Drive, Lacey, WA, on November 25, 1997, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Sandi Newton, (360) 407-6826, by November 18, TDD (360) 407-6006.

Submit Written Comments to: Kitty Gillespie, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, FAX (360) 407-6802, by November 28, 1997.

Date of Intended Adoption: December 3, 1997.

October 21, 1997
Daniel J. Silver
Deputy Director

AMENDATORY SECTION (Amending Order 90-63, filed 7/2/91, effective 8/2/91)

WAC 173-491-015 Applicability. This chapter shall apply to gasoline marketing operations, including the storage, transport, and transfer of gasoline, including the transfer from storage tanks into transport tanks, and from storage

tanks into motor vehicles. (~~The requirements of this chapter supersede any less restrictive requirements of chapter 173-490 WAC, Emission standards and controls for sources emitting volatile organic compounds (VOC).~~)

AMENDATORY SECTION (Amending Order 95-15, filed 1/27/97, effective 2/27/97)

WAC 173-491-020 Definitions. The definitions of terms contained in chapter 173-400 WAC are by this reference incorporated into this chapter. Unless a different meaning is clearly required by context, the following words and phrases, as used in this chapter, shall have the following meanings:

(1) "Bottom loading" means the filling of a tank through a line entering the bottom of the tank.

(2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.

(3) "Canister capture rate" means canister effectiveness times the percent of light duty vehicles that have onboard vapor recovery systems.

(4) "Canister effectiveness" means the percent of refueling vapors recovered by a representative onboard vapor recovery system.

(5) "Centroid" means the geometric center of a gas pump or a bank of gas pumps or, if a station has more than one bank of pumps, the geometric center of each bank of pumps.

(6) "Certified vapor recovery system" means a vapor recovery system which has been certified by the department of ecology. Only Stage II vapor recovery systems with a single coaxial hose can be certified. The department may certify vapor recovery systems certified by the California Air Resources Board as of the effective date of the regulation.

(7) "Eastern Washington county" means the following counties: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

(8) "Gasoline" means a petroleum distillate which is a liquid at standard conditions and has a true vapor pressure greater than four pounds per square inch absolute at twenty degrees C, and is used as a fuel for internal combustion engines. Also any liquid sold as a vehicle fuel with a true vapor pressure greater than four pounds per square inch absolute at twenty degrees C shall be considered "gasoline" for purpose of this regulation.

~~((8))~~ (9) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.

~~((9))~~ (10) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.

~~((10))~~ (11) "Leak free" means a liquid leak of less than four drops per minute.

~~((11))~~ (12) "Modified" means any physical change in, or change in the method of operation of, a gasoline dispensing facility that increases the amount of any air contaminant

emitted by such source or that results in the emission of any air contaminant not previously emitted. The term modified shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section. Section 7411 exempts changes in gasoline throughput not resulting directly from a physical change.

~~((12))~~ (13) "NAAQS" means the National Ambient Air Quality Standard.

(14) "Ozone-contributing county" means a county in which the emissions have contributed to the formation of ozone in any county or area where violations of federal ozone standards have been measured, and includes: Cowlitz, Island, Kitsap, Lewis, Skagit, Thurston, Wahkiakum, and Whatcom counties.

~~((13))~~ (15) "Permanent residence" means a single-family or multi-family dwelling, or any other facility designed for use as permanent housing.

~~((14))~~ (16) "Stage I" means gasoline vapor recovery during all gasoline marketing transfer operations except motor vehicle refueling.

~~((15))~~ (17) "Stage II" means gasoline vapor recovery during motor vehicle refueling operations from stationary tanks.

~~((16))~~ (18) "Submerged fill line" means any discharge pipe or nozzle which meets either of the following conditions:

- Where the tank is filled from the top, the end of the discharge pipe or nozzle must be totally submerged when the liquid level is six inches from the bottom of the tank, or;
- Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is eighteen inches from the bottom of the tank.

~~((17))~~ (19) "Submerged loading" means the filling of a tank with a submerged fill line.

~~((18))~~ "Suitable cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve, or similar device that prevents the accidental spilling or emitting of gasoline. Pressure relief valves, aspirator vents, or other devices specifically required for safety and fire protection are not included.

~~((19))~~ (20) "Throughput" means the amount of material passing through a facility.

~~((20))~~ (21) "Top off" means to attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically.

~~((21))~~ (22) "Transport tank" means a container used for shipping gasoline over roadways.

~~((22))~~ (23) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined by methods described in American Petroleum Institute Bulletin 2517, 1980.

~~((23))~~ (24) "Vapor balance system" means a system consisting of the transport tank, gasoline vapor transfer lines, storage tank, and all tank vents designed to route displaced gasoline vapors from a tank being filled with liquid gasoline.

~~((24))~~ (25) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

~~((25))~~ (26) "Vapor control system" means a system designed and operated to reduce or limit the emission of gasoline vapors emission into the ambient air.

~~((26))~~ "Vapor mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.)

(27) "Vapor tight" means a leak of less than one hundred percent of the lower explosive limit on a combustible gas detector measured at a distance of one inch from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

AMENDATORY SECTION (Amending Order 95-15, filed 1/27/97, effective 2/27/97)

WAC 173-491-040 Gasoline vapor control requirements. (1) Fixed-roof gasoline storage tanks.

(a) All fixed-roof gasoline storage tanks having a nominal capacity greater than forty thousand gallons shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subparts K, KA and KB).

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in (a)(i) of this subsection or its equivalent.

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's equipment specifications in effect when it was installed.

(b) All seals used in (a)(ii) and (iii) of this subsection are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears, or other openings.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in subsection (3)(b) of this section shall be exempt from the requirements of subsection (1) of this section.

(2) Gasoline loading terminals.

(a) This chapter shall apply to all gasoline loading terminals with an average annual gasoline throughput greater than 7.2 million gallons.

(b) Loading facilities. Facilities for the purpose of loading gasoline into any transport tank shall be equipped with a vapor control system (VCS) as described in (c) of this subsection and comply with the following conditions:

(i) The loading facility shall employ submerged or bottom loading for all transport tanks.

(ii) The VCS shall be connected during the entire loading of all transport tanks.

(iii) The loading of all transport tanks shall be performed such that the transfer is at all times vapor tight. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically when disconnected. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) Vapor control system (VCS). The VCS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VCS shall not allow organic vapors emitted to the ambient air to exceed thirty-five milligrams per liter (three hundred twenty-two milligrams per gallon) of gasoline loaded.

(ii) The VCS shall be equipped with a device to monitor the system while the VCS is in operation.

(iii) The back pressure in the VCS collection lines shall not exceed the transport tank's pressure relief settings.

(3) Bulk gasoline plants.

(a) This section shall apply to all bulk gasoline plants with an average annual gasoline throughput greater than 7.2 million gallons.

(b) Deliveries to bulk gasoline plant storage tanks.

(i) The owner or operator of a bulk gasoline plant shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated properly. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air. A vapor balance system that is designed, built, and operated according to accepted industrial practices will satisfy this requirement.

(ii) Storage tank requirements. All storage tanks with a nominal capacity greater than five hundred fifty gallons and used for the storage of gasoline shall comply with the following conditions:

(A) Each storage tank shall be equipped with a submerged fill line.

(B) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(C) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically when disconnected.

(D) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety but in no case greater than ninety percent of the tank's safe working pressure.

(iii) Transport tank requirements. All transport tanks transferring gasoline to storage tanks in a bulk gasoline plant shall comply with the following conditions:

(A) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(B) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically when disconnected.

(C) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Gasoline transfer operations.

(i) No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a stationary storage tank and a transport tank except when the following conditions exist:

(A) The transport tanks are being submerged filled or bottom loaded.

(B) The loading of all transport tanks, except those exempted under (c)(ii) of this subsection are being performed using a vapor balance system.

(C) The transport tanks are equipped to balance vapors and maintained in a leak tight condition in accordance with subsection (6) of this section.

(D) The vapor return lines are connected between the transport tank and the stationary storage tank and the vapor balance system is operated properly.

(ii) Transport tanks used for gasoline and meeting the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines if:

(A) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of subsection (4) of this section; and the transport tank has a total nominal capacity less than four thousand gallons and is constructed so that it would require the installation of four or more separate vapor balance fittings; or

(B) In eastern Washington counties, a transport tank with a total nominal capacity less than four thousand gallons shall be exempt from the requirement to be fitted with any attachment fitting for vapor balance lines if the transport tank was in use prior to July 1, 1993. Replacement transport tanks or new equipment put into use July 1, 1993, or later are exempt from vapor balance requirements only as specified in (c)(ii)(A) of this subsection.

(4) Gasoline dispensing facilities (Stage I).

(a) This section shall apply to the delivery of gasoline to gasoline dispensing facilities located in ozone nonattainment areas with an annual gasoline throughput greater than two hundred thousand gallons and total storage capacity greater than ten thousand gallons, and to gasoline dispensing facilities located in ozone attainment areas with an annual gasoline throughput greater than three hundred sixty thousand gallons and all new gasoline dispensing facilities with a total gasoline nominal storage capacity greater than ten thousand gallons.

(b) All gasoline storage tanks of the facilities defined in (a) of this subsection shall be equipped with submerged or bottom fill lines and fittings to vapor balance gasoline vapors with the delivery transport tank.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of (b) of this subsection if installed prior to January 1, 1979.

(d) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings from a transport tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

(5) Gasoline dispensing facilities (Stage II). Determinations and requirements. Ecology determines that Stage II vapor recovery systems at gasoline dispensing facilities in Cowlitz and Thurston counties are important to achieving or maintaining the NAAQS for Ozone in Clark and Pierce counties, respectively.

(a) Gasoline dispensing facilities are required to have certified Stage II vapor recovery systems under the following conditions:

Table 1

Gasoline Throughput (millions of gallons)	Allowable Distance to the Property Line (meters)
1.5	20
2.0	25
4.0	38
6.0	49
8.0	58
10.0	66

(i) By December 31, 1998, all facilities ~~((that dispense in excess of six hundred thousand gallons of gasoline per year and are located in a county, any part of which is designated as nonattainment for ozone under the Federal Clean Air Act, 42 U.S.C. Sec. 7407;~~

(ii) ~~By December 31, 1998, all facilities that dispense in excess of six hundred thousand gallons of gasoline per year and are located in a county where an ozone maintenance plan has been adopted by a local air pollution control authority or the department of ecology that includes gasoline vapor recovery systems as a control strategy;~~

(iii) ~~Until December 31, 1998, all facilities that dispense in excess of one million two hundred thousand gallons of gasoline per year and are located in an ozone-contributing county;~~

(iv) ~~After December 31, 1998, all facilities that dispense in excess of eight hundred forty thousand gallons of gasoline per year and are located in any county, no part of which is designated as nonattainment for ozone under the Federal Clean Air Act, 42 U.S.C. Sec. 7407, provided that the department of ecology determines by December 31, 1997, that the use of gasoline vapor control systems in the county is important to achieving or maintaining attainment status in any other county or area.~~

(v) ~~Until December 31, 1998, all facilities that dispense in excess of eight hundred forty thousand gallons of gasoline per year and had a Stage II vapor recovery system installed prior to March 30, 1996;~~

~~((b)) located in an ozone nonattainment or maintenance plan county dispensing greater than six hundred thousand gallons of gasoline annually, except in Kitsap County, all facilities dispensing greater than eight hundred forty thousand gallons annually; and~~

~~(ii) All facilities that dispense in excess of one million two hundred thousand gallons of gasoline annually and are located in Thurston or Cowlitz counties. This requirement will end on December 31, 2002, unless ecology determines that Stage II is important to achieving or maintaining the NAAQS for Ozone in a nonattainment or maintenance plan county.~~

~~(b) On the effective date of this section, Stage II may be removed from gasoline dispensing facilities located in Whatcom, Skagit, Island, Lewis, Wahkiakum counties, and at facilities in Thurston and Cowlitz counties dispensing less than one million two hundred thousand gallons annually. Prior to removing Stage II vapor controls, the owner or manager of a facility shall file a notice of construction with the local air authority.~~

~~(c) In addition to subsection (5)(a) of this section, all new and modified gasoline dispensing facilities with an annual gasoline throughput of 1.5 million gallons and above are required to have Stage II gasoline vapor recovery systems if a lot with a permanent residence is within the distance and throughput specifications of Table 1 of this subsection, and as explained in ~~((b)) (c)(i) and (ii) of this subsection.~~~~

(i) When the throughput is not shown in the chart, interpolate to get the distance for that throughput.

(ii) The allowable distance shall be measured from the centroid of the pumps to the nearest point on the property line of the nearest lot on which a permanent residence is located. However, if the permanent residence is located at least twice the allowable distance from the centroid of the pumps, the requirements of ~~((b)) (c)~~ of this subsection shall not apply.

~~((e)) (d)(i)~~ Beginning on July 1, 2001, and each year thereafter, the department of ecology shall publish the canister capture rate.

(ii) When the canister capture rate reaches fifteen percent and there are no major exceptions, waivers, or other adjustments to the EPA onboard canister regulations or program implementation, the department of ecology shall revise ~~((b)) (c)~~ of this subsection to incorporate the effect of canisters.

~~((d)) (e)~~ The owner or operator of new or modified gasoline dispensing facilities subject to any of the requirements of (a) ~~((e))~~, (b) or (c) of this subsection shall file a notice of construction.

~~((e)) (f)~~ The owner or operator of any gasoline dispensing facility may elect to submit a site-specific analysis of the requirement for a Stage II vapor recovery system under ~~((b)) (c)~~ of this subsection and request the department of ecology to evaluate it subject to the fees described in ~~((e)) (l)~~ of this subsection. The department of ecology will complete a second tier analysis described under WAC 173-460-090 within forty-five days of determining that the analysis submitted is complete and no additional information is needed. The requirements for gasoline vapor control shall be determined as a result of that process.

~~((f)) (g)~~ Fees. The fee for new source review of a gasoline dispensing facility under this section shall be the same as the fee under WAC 173-400-116 (2)(d)(ii) except, if a site-specific review is elected under ~~((e)) (f)~~ of this subsection, the fee shall be the same as the fee under WAC 173-400-116 (3)(c) for a tier two analysis.

~~((g)) (h)~~ This section shall apply to the refueling of motor vehicles from stationary tanks at gasoline dispensing facilities located in Washington.

~~((h)) (i)~~ All gasoline dispensing facilities subject to this section shall be equipped with a certified Stage II vapor recovery system.

~~((i)) (j)~~ The owner or operator of a gasoline dispensing facility subject to this section shall not transfer or allow the transfer of gasoline from stationary tanks into motor vehicle fuel tanks unless a certified Stage II vapor recovery system is used.

PROPOSED

~~((+))~~ (k) All Stage II vapor recovery equipment shall be installed in accordance with the system's certification requirements and shall be maintained to be leak free, vapor tight, and in good working order.

~~((+))~~ (l) Whenever a Stage II vapor recovery system component is determined to be defective, the owner or operator shall take the system out of service until it has been repaired, replaced, or adjusted, as necessary.

~~((+))~~ (m) The owner or operator of each gasoline dispensing facility utilizing a Stage II system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly using the vapor recovery nozzles and include a warning against topping off. Additionally, the instructions shall include a prominent display of ecology's toll free telephone number for complaints regarding the operation and condition of the vapor recovery nozzles.

(6) Equipment or systems failures.

(a) Specific applicability. This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, bulk gasoline plants, and gasoline dispensing facilities as described in subsections (2) through (5) of this section.

During the months of May, June, July, August, and September any failure of a vapor collection system at a bulk gasoline plant or gasoline loading terminal to comply with this section requires the discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used. The loading or unloading of the transport tank connected to the failed part of the vapor collection system may be completed during the other months of the year.

(b) Provisions for specific processes.

(i) The owner or operator of a gasoline loading terminal or bulk gasoline plant shall only allow the transfer of gasoline between the facility and a transport tank if a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle. Certification is required annually.

(ii) The owner or operator of a transport tank shall not make any connection to the tank for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank has successfully completed the annual certification testing requirements in (c) of this subsection, and such certification is confirmed either by:

(A) Have on file with each gasoline loading or unloading facility at which gasoline is transferred a current leak test certification for the transport tank; or

(B) Display a sticker near the department of transportation certification plate required by 49 CFR 178.340-10b which:

(I) Shows the date that the gasoline tank truck last passed the test required in (c) of this subsection;

(II) Shows the identification number of the gasoline tank truck tank; and

(III) Expires not more than one year from the date of the leak tight test.

(iii) The owner or operator of a vapor collection system shall:

(A) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks equipped for emission control such that:

(I) The tank pressure will not exceed a pressure of eighteen inches of water or a vacuum of six inches of water;

(II) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of one inch from potential leak sources; and

(III) There are no visible liquid leaks except for a liquid leak of less than four drops per minute at the product loading connection during delivery.

(IV) Upon disconnecting transfer fittings, liquid leaks do not exceed ten milliliters (0.34 fluid ounces) per disconnect averaged over three disconnects.

(B) Repair and retest a vapor collection system that exceeds the limits of (b)(iii)(A) of this subsection within fifteen days.

(iv) The department or local air authority may, at any time, monitor a gasoline transport tank and vapor collection system during loading or unloading operations by the procedure in (c) of this subsection to confirm continuing compliance with this section.

(c) Testing and monitoring.

(i) The owner or operator of a gasoline transport tank or vapor collection system shall, at his own expense, demonstrate compliance with (a) and (b) of this subsection, respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests and approved by the department.

(ii) Testing to determine compliance with this section shall use procedures approved by the department.

(iii) Monitoring to confirm continuing leak tight conditions shall use procedures approved by the department.

(d) Recordkeeping.

(i) The owner or operator of a gasoline transport tank or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(ii) The records of certification tests required by this section shall, as a minimum, contain:

(A) The transport tank identification number;

(B) The initial test pressure and the time of the reading;

(C) The final test pressure and the time of the reading;

(D) The initial test vacuum and the time of the reading;

(E) The final test vacuum and the time of the reading;

(F) At the top of each report page the company name, date, and location of the tests on that page; and

(G) Name and title of the person conducting the test.

(iii) The owner or operator of a gasoline transport tank shall annually certify that the transport tank passed the required tests.

(iv) Copies of all records required under this section shall immediately be made available to the department, upon written request, at any reasonable time.

(e) Preventing evaporation. All persons shall take reasonable measures to prevent the spilling, discarding in sewers, storing in open containers, or handling of gasoline in a manner that will result in evaporation to the ambient air.

WSR 97-21-145
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed October 22, 1997, 10:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-18-079.

Title of Rule: Chapter 296-128 WAC, Minimum wages.

Purpose: Proposed amendments will incorporate into chapter 296-128 WAC the current Federal Fair Labor Standards Act overtime and minimum wage exemptions for computer software professionals by creating a new section, WAC 296-128-535, written in a clear rule-writing style and entitled Are professional computer employees exempt from the Washington Minimum Wage Act?

Statutory Authority for Adoption: RCW 49.46.010 (2)(c).

Summary: Chapter 296-128 WAC, Minimum wages, WAC 296-128-535 Are professional computer employees exempt from the Washington Minimum Wage Act? State-initiated proposed amendments are made to incorporate current Federal Fair Labor Standards Act overtime and minimum wage exemptions for computer software professionals into chapter 296-128 WAC by creating a new section written according to clear rule-writing guidelines.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Greg Mowat, Tumwater, Washington, (360) 902-5310; Implementation and Enforcement: Ernie LaPalm, Tumwater, Washington, (360) 902-5329.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has determined that the proposed rule would reduce the overall economic burden on business (by exempting some employers from paying overtime and minimum wages), and not place a more than minor economic impact on business. Thus, the department is not required to prepare a small business economic impact statement.

RCW 34.05.328 applies to this rule adoption. The proposed rule amendments do meet the test of a "significant legislative rule" because they will amend a significant existing regulatory program. However, since the proposed amendment would adopt a federal regulation without material change—RCW 34.05.328 (5)(b)(iii), the department is exempt from preparing an evaluation of probable costs and probable benefits as required by RCW 34.05.328 (1)(c).

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on November 25, 1997, at 10:00 a.m.

Submit Written Comments to: Greg Mowat, Program Manager, Employment Standards, Department of Labor and

Industries, P.O. Box 44510, Olympia, WA 98504-4510, by December 2, 1997, at 5:00 p.m.

In addition to written comments, the department will accept comments submitted to FAX (360) 902-5300. Comments submitted by FAX must be ten pages or less and must be submitted by 5:00 p.m. on December 2, 1997.

Date of Intended Adoption: December 31, 1997.

October 20, 1997

Gary Moore

NEW SECTION

WAC 296-128-535 Are professional computer employees exempt from the Washington Minimum Wage Act? (1) Any employee who is a computer system analyst, computer programmer, software engineer, software developer or other similarly skilled worker will be considered a "professional employee" and will be exempt from the minimum wage and overtime provisions of the Washington Minimum Wage Act if:

(a) Their primary duty is of one of the following:

(i) Applying systems analysis techniques and procedures to determine hardware, software, or system functional specifications for any user of such services; or

(ii) Following user or system design specifications to design, develop, document, analyze, create, test or modify any computer system, application or program, including prototypes; or

(iii) Designing, documenting, testing, creating or modifying computer systems, applications or programs for machine operation systems; or

(iv) Any combination of the above primary duties whose performance requires the same skill level; and

(b) Their rate of pay is at least \$27.63 per hour.

(2) **This professional exemption only applies to highly skilled employees who:**

(a) Possess a high degree of theoretical knowledge and understanding of computer system analysis, programming and software engineering; and

(b) Have the ability to practically apply that theoretical knowledge and understanding to highly specialized computer fields; and

(c) Generally attain the necessary level of expertise and skill to qualify for an exemption through a combination of education and experience in the field; and

(d) Consistently exercise discretion and judgment in the application of their special knowledge as opposed to performing purely mechanical or routine tasks; and

(e) Engage in work that is predominantly intellectual and inherently varied in character as opposed to work that is routinely mental, manual, mechanical, or physical.

(3) While many employees who qualify for this exemption hold a bachelor's or higher degree, **no degree is required for this exemption.**

(4) **This professional exemption does not apply to:**

(a) Trainees or employees in entry level positions learning to become proficient in computer systems analysis, programming and software engineering; or

(b) Employees in computer systems analysis, programming and software engineering positions who have not

PROPOSED

attained a level of skill and expertise which allows them to generally work independently and without close supervision; or

(c) Employees engaged in the operation of computers; or

(d) Employees engaged in the manufacture, repair or maintenance of computer hardware and related equipment; or

(e) Employees covered by a collective bargaining agreement.

WSR 97-21-146
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 22, 1997, 10:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-11-059 [97-11-051].

Title of Rule: Guarding mechanical power-transmission apparatus, chapters 296-24 and 296-301 WAC.

Purpose: Guarding mechanical power-transmission apparatus. The intention of this rule making is to produce regulations that are clearly understood and easy to follow. The protections offered by the rule have neither been strengthened nor lessened, but are intended to be equal to the protection currently offered. The proposed rule offers the employer more flexibility in determining how to comply with the requirements.

The regulations for guarding power transmission apparatus are being amended to reflect:

- Plain language clarifications.
- Requirements for employers to protect employees from hazards *instead of* requiring specific methods of guarding specific machinery.
- Elimination of regulations that are technologically out-of-date.
- Elimination of redundant regulations.
- General requirements followed by additional specifications or exceptions.

Amended sections: Chapter 296-24 WAC, General safety and health standards.

WAC 296-24-205 Mechanical power-transmission apparatus. State-initiated amendments are made to:

- Change the section title to "Safeguarding power transmission parts."

WAC 296-24-20501 Definitions. State-initiated amendments are made to:

- Change the section title to "What is an employer's duty to protect employees from hazards of power transmission parts?"
- Eliminate the definitions.
- Implement a general requirement for the employer to protect employees against hazards associated with power transmission parts.
- Offer the employer a range of methods of complying with the rule.

WAC 296-24-20503 General requirements. State-initiated amendments are made to:

- Change the section title to "What requirements must guards meet?"
- Eliminate the specification requirements.
- Outline the requirements that a guard must meet to be considered an adequate safeguard.

WAC 296-24-20505 Prime-mover guards. State-initiated amendments are made to:

- Change the section title to "What requirements must devices meet?"
- Eliminate the prime-mover guard specification requirements.
- Outline the requirements that a device must meet to be considered an adequate safeguard.

WAC 296-24-20507 Shafting. State-initiated amendments are made to:

- Change the section title to "What requirements must safeguarding by distance meet?"
- Eliminate the shafting specification requirements.
- Outline the requirements that safeguarding by distance must meet to be considered an adequate safeguard.

WAC 296-24-20509 Pulleys. State-initiated amendments are made to:

- Change the section title to "What requirements must safeguarding by location meet?"
- Eliminate the pulley specification requirements.
- Outline the requirements that safeguarding by location must meet to be considered an adequate safeguard.

WAC 296-24-20511 Belt, rope, and chain drives. State-initiated amendments are made to:

- Change the section title to "What other responsibilities beyond safeguarding does an employer have to protect employees from power transmission parts?"
- Eliminate the belt, rope, and chain drive specification requirements.
- Outline the additional requirements an employer must meet to eliminate hazards associated with power transmission parts.

WAC 296-24-20513 Gears, sprockets, and chains. State-initiated amendments are made to:

- Change the section title to "When may a guardrail be used as a safeguard?"
- Eliminate the gears, sprockets, and chains specification requirements.
- List the circumstances under which an employer may substitute a guardrail for other safeguarding requirements.

WAC 296-24-20515 Guarding friction drives. State-initiated amendments are made to:

- Change the section title to "What are the additional requirements for flywheels?"
- Eliminate the specification requirements for friction drives.
- List the special safeguarding requirements that apply only to flywheels.

WAC 296-24-20517 Keys, setscrews, and other projections. State-initiated amendments are made to:

- Change the section title to "What are the additional requirements for shafting?"
- Eliminate the specification requirements for keys and setscrews.
- List the special safeguarding requirements that apply only to shafting.

WAC 296-24-20519 Collars and couplings. State-initiated amendments are made to:

- Change the section title to "What are the additional requirements for pulleys?"
- Eliminate the specification requirements for collars and couplings.
- List the special safeguarding requirements that apply only to pulleys.

WAC 296-24-20521 Bearings and facilities for oiling. State-initiated amendments are made to:

- Change the section title to "What are the additional requirements for belt, rope, and chain drives?"
- Eliminate the specification requirements for oiling facilities.
- List the special safeguarding requirements that apply only to belt, rope, and chain drives.

WAC 296-24-20523 Guarding of clutches, cutoff couplings, and clutch pulleys. State-initiated amendments are made to:

- Change the section title to "What are the additional requirements for gears?"
- Eliminate the specification requirements for clutches.
- List the special safeguarding requirements that apply only to gears.

WAC 296-24-20525 Belt shifters, clutches, shippers, poles, perches, and fasteners. State-initiated amendments are made to:

- Change the section title to "What are the additional requirements for belt shifters?"
- Eliminate the specification requirements for belt shifters.
- List the special safeguarding requirements that apply only to belt shifters.

WAC 296-24-20527 Standard guards—General requirements. State-initiated amendments are made to:

- Change the section title to "What are the alternate safeguarding requirements that apply to sewing machines?"
- Eliminate the specification requirements for guards.
- List the alternative safeguarding methods for sewing machines.

WAC 296-24-20529 Disk, shield, and "U" guards. State-initiated amendments are made to:

- Change the section title to "Reserved for appendix."
- Eliminate the specification requirements for guards.

WAC 296-24-20531 Approved materials. State-initiated amendments are made to:

- Change the section title to "Reserved for appendix."
- Eliminate the specification requirements for materials.

WAC 296-24-20533 Care of equipment. State-initiated amendments are made to:

- Change the section title to "Reserved for appendix."

- Eliminate the specification requirements for care of equipment that are now contained in other sections.

Chapter 296-301 WAC, Textile industry standards: WAC 296-301-020 General safety requirements. State-initiated amendments are made to:

- Bring the textile-specific requirements into the textiles chapter.
- Statutory Authority for Adoption: Chapter 49.17 RCW.
Statute Being Implemented: RCW 49.17.040, [49.17].050, [49.17].060.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not place a more than minor economic impact on business. Thus, the department is not required to prepare a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. The proposed rule does not meet the significant rule criteria because this rule making does not introduce any new requirements. The protections offered by the rule have neither been strengthened nor lessened, but are intended to be equal to the protection currently offered. The proposed rule offers the employer more flexibility in determining how to comply with the requirements. The rule is exempt from the significant rule criteria under RCW 34.05.328 (5)(b)(iv).

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on December 3, 1997, at 9:30 a.m.

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

Submit Written Comments to: Tracy Spencer, Standards Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, by December 10, 1997, 5:00 p.m.; or by FAX to (360) 902-5529. Comments submitted by FAX must be ten pages or fewer.

Date of Intended Adoption: February 27, 1998.

October 22, 1997

Gary Moore
Director

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-205 ((Mechanical power transmission apparatus)) Safeguarding power transmission parts.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-24-20501 ((Definitions-)) What is an employer's duty to protect employees from hazards of power transmission parts? ((1) "Belts" include all power transmission belts, such as flat belts, round belts, V belts, etc., unless otherwise specified.

(2) "Belt shifter" means a device for mechanically shifting belts from tight to loose pulleys or vice versa, or for shifting belts on cones of speed pulleys.

(3) "Belt pole" (sometimes called a "belt shipper" or "shipper pole") means a device used in shifting belts on and off fixed pulleys on line or countershaft where there are no loose pulleys.

(4) "Enclosed" for vertical and inclined belts means that only the portion of a belt that is seven feet or less from the floor is required to be enclosed by a guard.

(5) "Exposed to contact" means that the location of an object is such that a person is likely to come into contact with it and be injured.

(6) "Flywheels" include flywheels, balance wheels, and flywheel pulleys mounted and revolving on crankshaft of engine or other shafting.

(7) "Fully enclosed" applies to the sides of a power transmission system not guarded by location as described in WAC 296-24-20511 (1)(a), which includes both runs of a horizontal belt, pulley, and flywheel. Small units with slightly inclined belts are included in this category.

(8) "Maintenance runway" means any permanent runway or platform used for oiling, maintenance, running adjustment, or repair work, but not for passageway.

(9) "Nip point belt and pulley guard" means a device which encloses the pulley and is provided with rounded or rolled edge slots through which the belt passes.

(10) "Point of operation" means that point at which cutting, shaping, or forming is accomplished upon the stock and shall include such other points as may offer a hazard to the operator in inserting or manipulating the stock in the operation of the machine.

(11) "Prime movers" include steam, gas, oil, and air engines, motors, steam and hydraulic turbines, and other equipment used as a source of power.

(12) "Sheaves" mean grooved pulleys and shall be so classified unless used as flywheels. (1) An employer must protect employees from the hazards of power transmission parts created by:

(a) Moving objects;

(b) Flying objects;

(c) Falling objects; and

(d) Inherently hazardous surfaces, such as sharp edges, burrs, and protruding nails and bolts.

"Power transmission parts" means the mechanical components of a piece of equipment that, together with a source of power (sometimes referred to as a prime mover), provide the motion to a part of a machine or piece of equipment.

(2) An employer must use one or more of the methods of safeguarding listed below to eliminate the hazards described in subsection (1) of this section:

(a) Guard;

(b) Device;

(c) Safe distance; or

(d) Safe location.

Note: Guardrails are not generally accepted as a safeguarding method, but see WAC 296-24-20513 for exceptions when guardrails may be used.

Note: See WAC 296-24-20521(1) for a list of power transmission belts that are exempt from the requirements of this section.

AMENDATORY SECTION (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-24-20503 ((General requirements-)) What requirements must guards meet? ((1) This section covers all types and shapes of power transmission belts, except the following when operating at two hundred and fifty feet per minute or less:

(a) ~~Flat belts one inch or less in width.~~

(b) ~~Flat belts two inches or less in width which are free from metal lacings or fasteners.~~

(c) ~~Round belts one half inch or less in diameter.~~

(d) ~~Single strand V belts, the width of which is thirteen thirty seconds inch or less.~~

(2) ~~Vertical and inclined belts (WAC 296-24-20511 (3) and (4) if not more than two and one half inches wide and running at a speed of less than one thousand feet per minute, and if free from metal lacings or fastenings may be guarded with a nip point belt and pulley guard.~~

(3) ~~For the textile industry, because of the presence of excessive deposits of lint, which constitute a serious fire hazard, the sides and face sections only of nip point belt and pulley guards are required, provided the guard shall extend at least six inches beyond the rim of the pulley on the in-running and off-running sides of the belt and at least two inches away from the rim and face of the pulley in all other directions.~~

(4) ~~These standards cover the principal features with which power transmission safeguards shall comply. When there is no possibility of employee contact with power transmission belts during operation, the belts are "guarded by location" and no further guarding is required.~~

(5) ~~The following criteria will apply when evaluating handwheels, nip points, and belts above the table top on light (domestic) and medium duty sewing machines for compliance. The conditions will apply in general industry and the light apparel manufacturing industries on machines using flat and round belts without metal lacings and fasteners. Machines used to sew materials such as leather, heavy canvas, denim, vinyl, or other types of heavy material are not included.~~

(a) ~~The operator's hands are not in, near or on the wheel, nip point, or belt area when the machine is operating.~~

(b) ~~The distance between the area where the operator is holding and feeding material with both hands, and the belt or wheel location, is sufficient to not expose the operator to the hazards.~~

(c) ~~The table top is of sufficient size or arrangement to not expose any other employee in the work area or passing by the work area to the hazards.)) To safeguard using a guard, an employer must ensure that the guard:~~

(1) Prevents any part of an employee's body from reaching the hazard;

(2) Prevents objects from flying out toward, or falling onto, an employee;

(3) Is made of durable material designed to withstand the forces to which it could be exposed;

(4) Is securely fastened at least every three feet to a fixed part of the machine it safeguards or the building structure; and

(5) Creates no additional hazards such as from sharp edges or from motion between it and moving parts.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20505 ((Prime-mover guards.)) **What requirements must devices meet?** (((1) Flywheels. Flywheels located so that any part is seven feet or less above floor or platform shall be guarded in accordance with the requirements of this section:

(a) With an enclosure of sheet, perforated, or expanded metal, or woven wire;

(b) With guard rails placed not less than fifteen inches nor more than twenty inches from rim. When flywheel extends into pit or is within 12 inches of floor, a standard toeboard shall also be provided;

(c) When the upper rim of flywheel protrudes through a working floor, it shall be entirely enclosed or surrounded by a guardrail and toeboard.

(d) For flywheels with smooth rims five feet or less in diameter, where the preceding methods cannot be applied, the following may be used: A disk attached to the flywheel in such manner as to cover the spokes of the wheel on the exposed side and present a smooth surface and edge, at the same time providing means for periodic inspection. An open space, not exceeding four inches in width, may be left between the outside edge of the disk and the rim of the wheel if desired, to facilitate turning the wheel over. Where a disk is used, the keys or other dangerous projections not covered by disk shall be cut off or covered. This subdivision does not apply to flywheels with solid web centers;

(e) Adjustable guard to be used for starting engine or for running adjustment may be provided at the flywheel of gas or oil engines. A slot opening for jack bar will be permitted;

(f) Wherever flywheels are above working areas, guards shall be installed having sufficient strength to hold the weight of the flywheel in the event of a shaft or wheel mounting failure.

(2) Cranks and connecting rods. Cranks and connecting rods, when exposed to contact shall be guarded in accordance with WAC 296-24-20527 and 296-24-20529, or by a guardrail as described in WAC 296-24-20531(5).

(3) Tail rods or extension piston rods. Tail rods or extension piston rods shall be guarded in accordance with WAC 296-24-20527 and 296-24-20529, or by a guardrail on sides and end, with a clearance of not less than fifteen nor more than twenty inches when rod is fully extended.

(4) Governor balls. Governor balls six feet or less from the floor or other working level, when exposed to contact, shall be provided with an enclosure extending to the top of the governor balls when at their highest position. The material used in the construction of this enclosure shall

conform to WAC 296-24-20525 and 296-24-20529.)) To safeguard using a device, an employer must ensure that it:

(1) Stops motion of the power transmission parts before an employee is exposed to the hazard of coming into contact with a moving part; and

(2) Prevents the machine from restarting unless an employee manually resets it.

Note: Emergency stop controls or warning signals are not considered devices that, by themselves, effectively safeguard power transmission parts.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20507 ((Shafting.)) **What requirements must safeguarding by distance meet?** (((1) Installation.

(a) Each continuous line of shafting shall be secured in position against excessive endwise movement.

(b) Inclines and vertical shafts, particularly inclined idler shafts, shall be securely held in position against endwise thrust.

(2) Guarding horizontal shafting.

(a) All exposed parts of horizontal shafting seven feet or less from floor or working platform excepting runways used exclusively for oiling, or running adjustments, shall be protected by a stationary casing enclosing shafting completely or by a trough enclosing sides and top or sides and bottom of shafting as location requires.

(b) Shafting under bench machines shall be enclosed by a stationary casing, or by a trough at sides and top or sides and bottom, as location requires. The sides of the trough shall come within at least six inches of the under side of table, or if shafting is located near floor within six inches of floor. In every case the sides of trough shall extend at least two inches beyond the shafting or protuberance.

(3) Guarding vertical and inclines shafting. Vertical and inclines shafting seven feet or less from floor or working platform, excepting maintenance runways, shall be enclosed with a stationary casing in accordance with requirements of WAC 296-24-20527 and 296-24-20531.

(4) Projecting shaft ends.

(a) Projecting shaft ends shall present a smooth edge and end and shall not project more than one half the diameter of the shaft unless guarded by nonrotating caps or safety sleeves.

(b) Unused keyways shall be filled up or covered.

(5) Power transmission apparatus located in basements. All mechanical power transmission apparatus located in basements, towers, and rooms used exclusively for power transmission equipment shall be guarded in accordance with this section, except that the requirements for safeguarding belts, pulleys, and shafting need not be complied with when the following requirements are met:

(a) The basement, tower, or room occupied by transmission equipment is locked against unauthorized entrance.

(b) The vertical clearance in passageways between the floor and power transmission beams, ceiling, or any other objects, is not less than five feet six inches.

(c) The intensity of illumination conforms to the requirements of ANSI A11.1-1965 (R-1970).

(d) The footing is dry, firm, and level.

(e) The route followed by the oiler is protected in such manner as to prevent accident.) To safeguard by distance, an employer must ensure that:

(1) The vertical distance between power transmission parts and a floor or walking or working surface is more than seven feet;

(2) The power transmission parts are supported so they will not fall on an employee below; and

(3) No parts or material may fall on an employee below.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20509 ((Pulleys:)) What requirements must safeguarding by location meet? ((1) Guarding-Pulleys, any parts of which are seven feet or less from the floor or working platform, shall be guarded in accordance with the standards specified in WAC 296-24-20527 and 296-24-20531. Pulleys serving as balance wheels (e.g., punch presses) on which the point of contact between belt and pulley is more than six feet six inches from the floor or platform may be guarded with a disk covering the spokes.

(2) Location of pulleys:

(a) Unless the distance to the nearest fixed pulley, clutch, or hanger exceeds the width of the belt used, a guide shall be provided to prevent the belt from leaving the pulley on the side where insufficient clearance exists.

(b) Where there are overhanging pulleys on line, jack, or countershafts with no bearing between the pulley and the outer end of the shaft, a guide to prevent the belt from running off the pulley should be provided.

(3) Broken pulleys. Pulleys with cracks, or pieces broken out of rims, shall not be used.

(4) Pulley speeds. Pulleys intended to operate at rim speed in excess of manufacturers normal recommendations shall be specially designed and carefully balanced for the speed at which they are to operate.

(5) Compositions and wood pulleys. Composition or laminated wood pulleys shall not be installed where they are subjected to influences detrimental to their structural composition.) To safeguard by location, an employer must ensure that the location of power transmission parts eliminates the possibility that any part of an employee's body can inadvertently reach the hazard.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-20511 ((Belt, rope, and chain drives:)) What other responsibilities beyond safeguarding does an employer have to protect employees from power transmission parts? ((1) Horizontal belts and ropes.

(a) Where both runs of horizontal belts are seven feet or less from the floor level, the guard shall extend to at least fifteen inches above the belt or to a standard height (see Table O-12), except that where both runs of a horizontal belt are 42 inches or less from the floor, the belt shall be fully enclosed in accordance with WAC 296-24-20527 and 296-24-20531.

(b) In powerplants or power development rooms, a guardrail may be used in lieu of the guard required by (1)(a) of this section.

(2) Overhead horizontal belts.

(a) Overhead horizontal belts, with lower parts seven feet or less from the floor or platform, shall be guarded on sides and bottom in accordance with WAC 296-24-20531(3).

(b) Horizontal overhead belts more than seven feet above floor or platform shall be guarded for their entire length under the following conditions:

(i) If located over passageways or work places and traveling 1,800 feet or more per minute.

(ii) If center to center distance between pulleys is ten feet or more.

(iii) If belt is eight inches or more in width.

(c) Where the upper and lower runs of horizontal belts are so located that passage of persons between them would be possible, the passage shall be either:

(i) Completely barred by a guardrail or other barrier in accordance with WAC 296-24-20527 and 296-24-20531; or

(ii) Where passage is regarded as necessary, there shall be a platform over the lower run guarded on either side by a railing completely filled in with wire mesh or other filler, or by a solid barrier. The upper run shall be so guarded as to prevent contact therewith either by the worker or by objects carried by the worker. In powerplants only the lower run of the belt need be guarded.

(d) Overhead chain and link belt drives are governed by the same rules as overhead horizontal belts and shall be guarded in the same manner as belts.

(e) American or continuous system rope drives so located that the condition of the rope (particularly the splice) cannot be constantly and conveniently observed, shall be equipped with a telltale device (preferably electric bell type) that will give warning when rope begins to fray.

(3) Vertical and inclined belts.

(a) Vertical and inclined belts shall be enclosed by a guard conforming to standards in WAC 296-24-20527 and 296-24-20531.

(b) All guards for inclined belts shall be arranged in such a manner that a minimum clearance of seven feet is maintained between belt and floor at any point outside of guard.

(4) Vertical belts. Vertical belts running over a lower pulley more than seven feet above floor or platform shall be guarded at the bottom in the same manner as horizontal overhead belts, if conditions are as stated in (2)(b)(i) and (iii) of this section.

(5) Cone pulley belts.

(a) The cone belt and pulley shall be equipped with a belt shifter so constructed as to adequately guard the nip point of the belt and pulley. If the frame of the belt shifter does not adequately guard the nip point of the belt and pulley, the nip point shall be further protected by means of a vertical guard placed in front of the pulley and extending at least to the top of the largest step of the cone.

(b) If the belt is of the endless type or laced with rawhide laces, and a belt shifter is not desired, the belt will be considered guarded if the nip point of the belt and pulley is protected by a nip point guard located in front of the cone extending at least to the top of the largest step of the cone, and formed to show the contour of the cone in order to give the nip point of the belt and pulley the maximum protection.

(c) If the cone is located less than 3 feet from the floor or working platform, the cone pulley and belt shall be

~~guarded to a height of 3 feet regardless of whether the belt is endless or laced with rawhide.~~

~~(6) Belt tighteners.~~

~~(a) Suspended counterbalanced tighteners and all parts thereof shall be of substantial construction and securely fastened; the bearings shall be securely capped. Means must be provided to prevent tightener from falling, in case the belt breaks.~~

~~(b) Where suspended counterweights are used and not guarded by location, they shall be so encased as to prevent accident.~~

~~(c) Belt tighteners, used for starting and stopping machinery, other than those which are securely held in "off" or "out of service" position by gravity, shall be provided with means or mechanism that will securely hold the belt tightener away from the belt when the machine or part thereof driven by the belt is not in use. Such means or mechanism shall be automatic in its action in gripping, latching or otherwise fastening itself to and holding the belt tightener in "off" or "out of service" position until manually released. (Released by hand.)~~

~~(d) Counterbalanced belt tighteners and all parts thereof shall be of substantial construction, and securely fastened. The bearings shall be securely capped. If exposed to contact, means shall be installed to catch the belt tightener, to prevent tightener from falling on any person below, should the belt break or throw the tightener.)) (1) An employer must remove, make flush, or guard with metal covers all projections on moving parts, including keys, setscrews, bolts, and nuts.~~

~~(a) An employer is not required to remove, make flush, or guard keys or setscrews:~~

~~(i) Within an enclosure;~~

~~(ii) Below the rim of a pulley that is less than twenty inches in diameter; or~~

~~(iii) Where employee contact is not possible.~~

~~(b) An employer must fill or cover unused keyways.~~

~~(c) An employer must use only cylindrical revolving collars and ensure that screws or bolts used in collars do not project beyond the outside of the collar.~~

~~(2) An employer must ensure that power transmission parts are inspected at least once every sixty days for compliance with this standard, and are kept in good working condition at all times. An employer's inspection must ensure that:~~

~~(a) A pulley with a crack or broken piece is not used.~~

~~(b) All bolts and screws holding power transmission equipment together or supporting the equipment are tight.~~

~~(c) Belts, lacings, and fasteners are in good repair.~~

~~(d) Power transmission parts are kept in proper alignment.~~

~~(3) An employer may safeguard any location used exclusively for power transmission parts by ensuring that the location:~~

~~(a) Is locked;~~

~~(b) Prohibits unauthorized entrance;~~

~~(c) Has a passageway with an effective vertical clearance of at least five feet six inches;~~

~~(d) Is well lit;~~

~~(e) Has a dry, level, firm floor; and~~

~~(f) Has a safe, well-marked route for an authorized employee to follow.~~

(4) If it is necessary to lubricate power transmission parts while the parts are moving, an employer must ensure that the tool an oiler uses, such as an oil can or grease gun, has a long spout to keep the oiler's hands away from the hazard.

(a) An oiler must wear closely fitting clothing.

(b) Drip cups and pans must be securely fastened.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20513 ((Gears, sprockets, and chains.))

When may a guardrail be used as a safeguard? ((1) Gears. Gears shall be guarded in accordance with one of the following methods:

(a) By a complete enclosure; or

(b) By a standard guard as described in WAC 296-24-20531, at least seven feet high extending six inches above the mesh point of the gears; or

(c) By a band guard covering the face of gear and having flanges extended inward beyond the root of the teeth on the exposed side or sides. Where any portion of the train of gears guarded by a band guard is less than six feet from the floor a disk guard or a complete enclosure to the height of six feet shall be required.

(2) Hand operated gears. (1) of this section does not apply to hand operated gears used only to adjust machine parts and which do not continue to move after hand power is removed. However, the guarding of these gears is highly recommended.

(3) Sprockets and chains. All sprocket wheels and chains shall be enclosed unless they are more than seven feet above the floor or platform. Where the drive extends over other machine or working areas, protection against falling shall be provided. This section does not apply to manually operated sprockets.

(4) Openings for oiling. When frequent oiling must be done, openings with hinged or sliding self closing covers shall be provided. All points not readily accessible shall have oil feed tubes if lubricant is to be added while machinery is in motion.)) (1) An employer may use a guardrail as a safeguard for:

(a) A flywheel, when the guardrail is at least fifteen inches from the rim;

(b) Cranks and connecting rods;

(c) Tail rods and extension piston rods, when the guardrail is at least fifteen inches from the fully extended end of the rod;

(d) A horizontal belt in a power generating room;

(e) A clutch, cutoff coupling, or clutch pulley in an engine room occupied only by an engine room attendant; or

(f) A runway used only for oiling, maintenance, running adjustment, or repair work.

(2) An employer must ensure that a guardrail:

(a) Has a toeboard at least four inches high; and

(b) Complies with WAC 296-24-75011.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20515 ((Guarding friction drives.))

What are the additional requirements for flywheels? ((The driving point of all friction drives when exposed to

~~contact shall be guarded, all arm or spoke friction drives and all web friction drives with holes in the web shall be entirely enclosed, and all projecting belts on friction drives where exposed to contact shall be guarded.))~~ (1) When other safeguarding methods cannot be used, an employer must safeguard a spoked flywheel with a smooth rim five feet or less in diameter by using a disk guard. The disk must cover the flywheel spokes on the exposed side, and create a smooth surface and edge.

(a) An open space, a maximum of four inches wide, between the outside edge of the disk and the rim of the wheel may exist to turn the wheel over.

(b) A key or other uncovered projection must be cut off.

(2) An employer may provide an adjustable guard at the flywheel of a gas or diesel engine for starting the engine or for a running adjustment. A slot opening for a jack bar is permitted.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

~~WAC 296-24-20517 ((Keys, setscrews, and other projections.))~~ What are the additional requirements for shafting? ~~((1) All projecting keys, setscrews, and other projections in revolving parts shall be removed or made flush or guarded by metal covers. This section does not apply to keys or setscrews within gear or sprocket casings or other enclosures, nor to keys, setscrews, or oilcups in hubs of pulleys less than twenty inches in diameter where they are within the plane of the rim of the pulley.~~

~~Note: It is recommended, however, that no projecting setscrews or oilcups be used in any revolving pulley or part of machinery.))~~

(1) An employer must secure shafting against excessive endwise movement.

(2) An employer must maintain shafting so that it is free from excess oil or grease and pitting from corrosion.

(3) An employer may safeguard shafting under a bench machine by using a guard that extends to:

(a) Within six inches of the underside of the table or the floor; and

(b) At least two inches beyond the shafting.

(4) An employer must ensure that projecting shaft ends:

(a) Have a smooth edge and project no more than one-half the diameter of the shaft; or

(b) Are guarded by a nonrotating cap or safety sleeve.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

~~WAC 296-24-20519 ((Collars and couplings.))~~ What are the additional requirements for pulleys? ~~((1) Collars. All revolving collars, including split collars, shall be cylindrical, and screws or bolts used in collars shall not project beyond the largest periphery of the collar.~~

~~(2) Couplings. Shaft couplings shall be so constructed as to present no hazard from bolts, nuts, setscrews, or revolving surfaces. Bolts, nuts, and setscrews will, however, be permitted where they are covered with safety sleeves or where they are used parallel with the shafting and are countersunk or else do not extend beyond the flange of the coupling.))~~ (1) An employer must ensure that a pulley is designed and balanced for the speed at which it operates.

(2) An employer may not use a composition or wood pulley where it is likely to deteriorate in the workplace.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

~~WAC 296-24-20521 ((Bearings and facilities for oiling.))~~ What are the additional requirements for belt, rope, and chain drives? ~~((Self lubricating bearings are recommended and all drip cups and pans shall be securely fastened.))~~ (1) An employer is not required to safeguard belts operating at two hundred fifty linear feet per minute or less that are:

(a) Flat and one inch wide or less; or

(b) Flat and between one to two inches wide with no metal lacings or fasteners; or

(c) Round and one-half inch or less in diameter; or

(d) Single strand v-belts thirteen thirty-seconds inch wide or less.

(2) An employer may use a nip point belt and pulley guard on a vertical or inclined belt that:

(a) Is two and one-half inches wide or less;

(b) Is running at a speed of less than one thousand feet per minute; and

(c) Is free from metal lacings or fastenings.

"Nip-point belt and pulley guard" means a device that encloses the pulley and has rounded or rolled edge slots for the belt to pass through.

(3) When the space between the upper and lower runs of a horizontal belt would allow an employee to pass between them, an employer may:

(a) Guard along the upper run;

(b) Provide a platform over the lower run; and

(c) Provide a railing over the lower run that will prevent employees from leaving the platform.

(d) In a power generating room, only the lower run of a horizontal belt must be guarded.

(4) An employer must use a quarter-twist belt with an idler on a drive that runs in both directions.

(5) An employer must apply a dressing to a moving belt or rope where the belt or rope leaves the pulley.

(6) An employer may not safeguard by distance or location an overhead belt located more than seven feet above a floor or platform when:

(a) The belt is located over a passageway or work space and travels at a speed of one thousand eight hundred feet or more per minute; or

(b) The distance between the centers of its pulleys is ten feet or more; or

(c) The belt is wider than eight inches.

(7) An employer must ensure that a belt shifted by hand is not fastened with metal or other material that creates a hazard.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

~~WAC 296-24-20523 ((Guarding of clutches, cutoff couplings, and clutch pulleys.))~~ What are the additional requirements for gears? ~~((1) Guards. Clutches, cutoff couplings, or clutch pulleys having projecting parts, where such clutches are located seven feet or less above the floor or working platform, shall be enclosed by a stationary guard~~

constructed in accordance with WAC 296-24-20527. A "U" type guard is permissible.

(2) ~~Enginerooms.~~ In ~~enginerooms~~ a guardrail, preferably with toeboard, may be used instead of the guard required by (1) of this section, provided such a room is occupied only by ~~engineroom attendants~~.

(3) ~~Bearings.~~ A bearing support immediately adjacent to a friction clutch or cutoff coupling shall have self-lubricating bearings requiring attention at infrequent intervals.) An employer is not required to safeguard hand-operated gears used only to adjust machine parts that do not continue to move when not being turned by hand.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-20525 ((~~Belt shifters, clutches, shippers, poles, perches, and fasteners.~~) What are the additional requirements for belt shifters? ((1) Belt shifters:

(a) ~~Tight and loose pulleys on all installations made on or after August 27, 1971, shall be equipped with a permanent belt shifter provided with mechanical means to prevent belt from creeping from loose to tight pulley. It is recommended that old installations be changed to conform to this rule.~~

(b) ~~Belt shifter and clutch handles shall be rounded and be located as far as possible from danger of accidental contact, but within easy reach of the operator. Where belt shifters are not directly located over a machine or bench, the handles shall be cut off six feet six inches above floor level.~~

(c) ~~All belt and clutch shifters of the same type in each shop should move in the same direction to stop machines, i.e., either all right or all left. This does not apply to friction clutch on countershaft carrying two clutch pulleys with open and crossed belts, respectively. In this case the shifter handle has three positions and the machine is at a standstill when clutch handle is in the neutral or center position.~~

(2) ~~Belt shippers and shipper poles.~~ The use of belt poles as substitutes for mechanical shifters is not recommended. Where necessity compels their use, they shall be of sufficient size to enable workers to grasp them securely. (A two inch diameter or 1 1/2 by 2 inches cross section is suggested.) Poles shall be smooth and preferably of straight grain hardwood, such as ash or hickory. The edges of rectangular poles should be rounded. Poles should extend from the top of the pulley to within about forty inches of floor or working platform.

(3) ~~Belt perches.~~ Where loose pulleys or idlers are not practicable, belt perches in form of brackets, rollers, etc., shall be used to keep idle belts away from the shafts. Perches should be substantial and designed for the safe shifting of belts.

(4) ~~Belt fasteners.~~ Belts which of necessity must be shifted by hand and belts within seven feet of the floor or working platform which are not guarded in accordance with WAC 296-24-20527 shall not be fastened with metal in any case, nor with any other fastening which by construction or wear will constitute an accident hazard.) (1) An employer must ensure that the equipment listed below, if installed after August 17, 1971, has a permanent, mechanical belt shifter:

(a) Tight and loose pulleys; and

(b) A cone pulley belt.

(2) An employer must ensure that a belt shifter or clutch handle:

(a) Safeguards the nip point;

(b) Is rounded;

(c) Is within easy reach, but minimizes the chance of accidental contact with the operator; and

(d) Is located over a machine or bench, or has handles cut off six feet six inches above floor level.

(3) No belt shifter is required if:

(a) The belt is endless or laced with rawhide; and

(b) The nip point of the belt and pulley is safeguarded by a nip point guard in front of the cones;

(i) The guard must extend at least to the top of the largest step of the cone; and

(ii) The guard must be formed to show the contour of the cone.

(4) An employer must ensure that each belt shifter and clutch handle of the same type in a workplace moves in the same direction to stop a machine, i.e., either all right or all left.

(a) A friction clutch handle on a countershaft carrying two clutch pulleys with open and crossed belts is not required to move in the same direction; and

(b) The clutch handle must have three positions with the machine at rest when the clutch handle is in the center position.

(5) An employer must ensure that a belt tightener used to activate machinery:

(a) Is substantially constructed and securely fastened;

(b) Has bearings securely capped;

(c) Has a mechanism to prevent it from falling; and

(d) Is securely held in the "off" position by gravity, or by an automatic mechanism that must be released by hand.

(6) An employer may not use a belt pole to shift a belt on and off a fixed pulley. When a belt shifter cannot be used, an employer may use a belt pole that is:

(a) Smooth; and

(b) Large enough for an employee to grasp securely.

Note: A belt pole is also known as a "belt shipper" or "shipper pole."

(7) An employer must use a substantial belt perch, such as a bracket, roller, etc., to safely shift an idle belt away from the shaft when a loose pulley or idler is not practical.

(8) An employer must ensure that a bearing support immediately adjacent to a friction clutch or cutoff coupling has self-lubricating bearings requiring infrequent attention.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20527 ((Standard guards—General requirements.) What are the alternate safeguarding requirements that apply to sewing machines? ((1) Materials:

(a) Standard conditions shall be secured by the use of the following materials. Expanded metal, perforated or solid sheet metal, wire mesh on a frame of angle iron, or iron pipe securely fastened to floor or to frame of machine.

(b) All metal should be free from burrs and sharp edges.

(c) Wire mesh should be of the type in which the wires are securely fastened at every cross point either by welding;

soldering, or galvanizing, except in case of diamond or square wire mesh made of No. 14 gage wire, 3/4 inch mesh or heavier.

(2) Methods of manufacture.

(a) Expanded metal, sheet or perforated metal, and wire mesh shall be securely fastened to frame by one of the following methods:

(i) With rivets or bolts spaced not more than five inches center to center. In case of expanded metal or wire mesh, metal strips or clips shall be used to form a washer for rivets or bolts.

(ii) By welding to frame every four inches.

(iii) By weaving through channel or angle frame, or if No. 14 gage 3/4 inch mesh or heavier is used by bending entirely around rod frames.

(iv) Where openings in pipe railing are to be filled in with expanded metal, wire mesh or sheet metal, the filler material shall be made into panels with rolled edges or bound with "V" or "U" edging of No. 24 gage or heavier sheet metal fastened to the panels with bolts or rivets spaced not more than five inches center to center. The bound panels shall be fastened to the railing by sheet metal clips spaced not more than five inches center to center.

(v) Diamond or square mesh made of crimped wire fastened into channels, angle or round iron frames, may also be used as a filler in guards. Size of mesh shall correspond to Table O-12.

(b) Where the design of guards requires filler material of greater area than 12 square feet, additional frame members shall be provided to maintain panel area within this limit.

(c) All joints of framework shall be made equivalent in strength to the material of the frame.)) No guard is required for a light or medium duty sewing machine if:

(1) It uses either a flat or a round belt without metal lacings and fasteners;

(2) The belt is located above the table top;

(3) The machine is not used to sew heavy materials such as leather, canvas, denim, or vinyl;

(4) The operators' hands are not in, near, or on the wheel, nip point, or belt area when the machine is operating;

(5) The distance between the area where the operator is holding and feeding material with both hands and the belt or wheel locations is great enough that the operator is not exposed to a motion hazard; and

(6) The table top is designed so that employees near the machine are not exposed to motion hazards while they work or as they pass by.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20529 ((Disk, shield, and "U" guards.

(1) Disk guards. A disk guard shall consist of a sheet metal disk not less than No. 22 gage fastened by "U" bolts or rivets to spokes of pulleys, flywheels, or gears. Where possibility of contact with sharp edges of the disk exists, the edge shall be rolled or wired. In all cases the nuts shall be provided with locknuts which shall be placed on the unexposed side of the wheel.

(2) Shield guards.

(a) A shield guard shall consist of a frame filled in with wire mesh, expanded, perforated, or solid sheet metal.

(b) If area of shield does not exceed six square feet the wire mesh or expanded metal may be fastened in a framework of 3/8 inch solid rod, 3/4 inch by 3/4 inch by 1/8 inch angle iron or metal construction of equivalent strength. Metal shields may have edges entirely rolled around a 3/8 inch solid iron rod.

(3) "U" guards. A "U" guard consisting of a flat surface with edge members shall be designed to cover the under surface and lower edge of a belt, multiple chain, or rope drive. It shall be constructed of materials specified in Table O-12, and shall conform to the requirements of WAC 296-24-20531 (3) and (4). Edges shall be smooth and if size of guard requires, the edges shall be reinforced by rolling, wiring, or by binding with angle or flat iron.)) Reserve.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-20531 ((Approved materials. (1) Minimum requirements. The materials and dimensions specified in this section shall apply to all guards, except horizontal overhead belts, rope, cable, or chain guards more than seven feet above floor, or platform. (For the latter, see Table O-13.)

(a) Minimum dimensions of materials for the framework of all guards, except as noted in (1)(a)(iii) of this section shall be angle iron 1 inch by 1 inch by 1/8 inch, metal pipe of 3/4 inch inside diameter or metal construction of equivalent strength.

(i) All guards shall be rigidly braced every three feet or fractional part of their height to some fixed part of machinery or building structure. Where guard is exposed to contact with moving equipment additional strength may be necessary.

(ii) The framework for all guards fastened to floor or working platform and without other support or bracing shall consist of 1 1/2 inch by 1 1/2 inch by 1/8 inch angle iron, metal pipe of 1 1/2 inch inside diameter, or metal construction of equivalent strength. All rectangular guards shall have at least four upright frame members each of which shall be carried to the floor and be securely fastened thereto. Cylindrical guards shall have at least three supporting members carried to floor.

(iii) Guards thirty inches or less in height and with a total surface area not in excess of ten square feet may have a frame work of 3/8 inch solid rod, 3/4 inch by 3/4 inch by 1/8 inch angle, or metal construction of equivalent strength. The filling material shall correspond to the requirements of Table O-12.

(b) The specifications given in Table O-12 and (1)(a) of this section are minimum requirements; where guards are exposed to unusual wear, deterioration or impact, heavier material and construction should be used to protect amply against the specific hazards involved.

(2) Wood guards.

(a) Wood guards may be used in the woodworking and chemical industries, in industries where the presence of fumes or where manufacturing conditions would cause the rapid deterioration of metal guards; also in construction work and in locations outdoors where extreme cold or extreme

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heat make metal guards and railings undesirable. In all other industries, wood guards shall not be used.

- (i) Wood shall be sound, tough, and free from any loose knots.
- (ii) Guards shall be made of planed lumber not less than one inch rough board measure, and edges and corners rounded off.
- (iii) Wood guards shall be securely fastened together with wood screws, hardwood dowel pins, bolts, or rivets.
- (iv) While no definite dimensions are given under this heading for framework or filler materials, wood guards shall be equal in strength and rigidity to metal guards specified in (1)(a) and (b) of this section and Table O-12.
- (v) For construction of standard wood railing, see (5) of this section.

(3) Guards for horizontal overhead belts.

(a) Guards for horizontal overhead belts shall run the entire length of the belt and follow the line of the pulley to the ceiling or be carried to the nearest wall, thus enclosing the belt effectively. Where belts are so located as to make it impracticable to carry the guard to wall or ceiling, construction of guard shall be such as to enclose completely the top and bottom runs of belt and the face of pulleys.

(b) The guard and all its supporting members shall be securely fastened to wall or ceiling by gimlet point lag screws or through bolts. In case of masonry construction, expansion bolts shall be used. The use of bolts placed horizontally through floor beams or ceiling rafters is recommended.

(c) Suitable reinforcement shall be provided for the ceiling rafters or overhead floor beams, where such is necessary, to sustain safely the weight and stress likely to be imposed by the guard. The interior surface of all guards, by which is meant the surface of the guard with which a belt will come in contact, shall be smooth and free from all projections of any character, except where construction demands it; protruding shallow roundhead rivets may be used. Overhead belt guards shall be at least one quarter wider than belt which they protect, except that this clearance need not in any case exceed six inches on each side. Overhead rope drive and block and roller chain drive guards shall be not less than six inches wider than the drive on each side. In overhead silent chain drive guards where the chain is held from lateral displacement on the sprockets, the side clearances required on drives of twenty inch centers or under shall be not less than one fourth inch from the nearest moving chain part, and on drives of over twenty inch centers a minimum of one half inch from the nearest moving chain part.

(d) Table O-13 gives the sizes of materials to be used and the general construction specifications of guards for belts ten inches or more in width. No material for overhead belt guards should be smaller than that specified in Table O-13 for belts ten to fourteen inches wide, even if the overhead belt is less than ten inches in width. However, No. 20 gage sheet metal may be used as a filler on guards for belts less than ten inches wide. Expanded metal, because of the sharp edges, should not be used as a filler in horizontal belt guards.

(e) For clearance between guards and belts, ropes or chains of various center to center dimensions between the shafts, see bottom of Table O-13.

(4) Guards for horizontal overhead rope and chain drives. Overhead rope and chain drive guard construction shall conform to the rules for overhead belt guard construction of similar width, except that the filler material shall be of the solid type as shown in Table O-13, unless the fire hazard demands the use of open construction. A side guard member of the same solid filling material should be carried up in a vertical position two inches above the level of the lower run of the rope or chain drive and two inches within the periphery of the pulleys which the guard encloses thus forming a trough. These side filler members should be reinforced on the edges with 1 1/2 inch by 1/4 inch flat steel, riveted to the filling material at not greater than eight inch centers; the reinforcing strip should be fastened or bolted to all guard supporting members with at least one 3/8 inch rivet or bolt at each intersection, and the ends should be secured to the ceiling with lag screws or bolts. The filling material shall be fastened to the framework of the guard and the filler supports by 3/16 inch rivets spaced on 4 inch centers. The width of the multiple drive shall be determined by measuring the distance from the outside of the first to the outside of the last rope or chain in the group accommodated by the pulley.

(5) Guardrails and toeboards.

(a) Guardrail shall be forty two inches in height, with midrail between top rail and floor.

(b) Posts shall be not more than eight feet apart; they are to be permanent and substantial, smooth, and free from protruding nails, bolts, and splinters. If made of pipe, the post shall be one and one fourth inches inside diameter, or larger. If made of metal shapes or bars, their section shall be equal in strength to that of one and one half by one and one half by three sixteenths inch angle iron. If made of wood, the posts shall be two by four inches or larger. The upper rail shall be two by four inches, or two one by four strips, one at the top and one at the side of posts. The midrail may be one by four inches or more. The rails (metal shapes, metal bars, or wood), should be on that side of the posts which gives the best protection and support. Where panels are fitted with expanded metal or wire mesh as noted in Table O-12 the middle rails may be omitted. Where guard is exposed to contact with moving equipment, additional strength may be necessary.

(c) Toeboards shall be four inches or more in height, of wood, metal, or of metal grill not exceeding one inch mesh. Toeboards at flywheel pits should preferably be placed as close to edge of the pit as possible.

TABLE O-12

TABLE OF STANDARD MATERIALS AND DIMENSIONS

Material	Clearance from moving part at all points	Largest mesh or opening allowable	Minimum gauge (U.S. Standard) or thickness	Minimum height of guard from floor or platform level
				Feet
Woven wire	Under 2	3/8	No. 16	7
	2-4	1/2	No. 16	7
	Under 4	1/2	No. 16	7
	4-15	2	No. 12	7

Expanded metal	Under 4	1/2	No. 18	7
	4-15	2	No. 13	7
Perforated metal	Under 4	1/2	No. 20	7
	4-15	2	No. 14	7
Sheet metal	Under 4		No. 22	7
	4-15		No. 22	7
Wood or metal strip				
crossed	Under 4	3/8	Wood 3/4	
			Metal No. 16	7
	4-15	2	Wood 3/4	
			Metal No. 16	7
Wood or metal strip				
not crossed	Under 4	1/2 width	Wood 3/4	
			Metal No. 16	7
	4-15	1 width	Wood 3/4	
			Metal No. 16	7
Standard rail	Min. 15			
	Max. 20			

Reserve.

AMENDATORY SECTION (Amending Order 80-21, filed 11/13/80)

WAC 296-24-20533 ((Care of equipment. (1) General. All power transmission equipment shall be inspected at intervals not exceeding 60 days and be kept in good working condition at all times.

(2) Shafting.

(a) Shafting shall be kept in alignment, free from rust and excess oil or grease.

(b) Where explosives, explosive dusts, flammable vapors or flammable liquids exist, the hazard of static sparks from shafting shall be carefully considered.

(3) Bearings. Bearings shall be kept in alignment and properly adjusted.

(4) Hangers. Hangers shall be inspected to make certain that all supporting bolts and screws are tight and that supports of hanger boxes are adjusted properly.

(5) Pulleys.

(a) Pulleys shall be kept in proper alignment to prevent belts from running off.

(b) One or both pulleys carrying a nonshifting belt should have crowned faces.

(c) Cast iron pulleys should be tested frequently with a hammer to disclose cracks in rim or spokes. It should be borne in mind that the sound is usually much different if the belt is or is not on the pulley.

(d) Split pulleys should be inspected to ascertain if all bolts holding together the sections of the pulley are tight.

(6) Care of belts.

(a) Quarter twist belts when installed without an idler can be used on drives running in one direction only. They will run off a pulley when direction of motion is reversed.

(b) Inspection shall be made of belts, lagings, and fasteners and such equipment kept in good repair.

(c) Where possible, dressing should not be applied when belt or rope is in motion; but, if this is necessary, it should be applied where belts or rope leave pulley, not where they approach. The same precautions apply to lubricating chains. In the case of V belts, belt dressing is neither necessary nor advisable.

(7) Lubrication. The regular oilers shall wear tightfitting clothing and should use cans with long spouts to keep their hands out of danger. Machinery shall be oiled when not in motion, wherever possible.

TABLE O-13
HORIZONTAL OVERHEAD BELTS, ROPES, AND CHAINS 7 FEET OR MORE ABOVE FLOOR OR PLATFORM

(TABLE O-13: Part 1 - 0" to 14")

	Width	
	From 0" to 14" inclusive	Material
MEMBERS		
Framework	1 1/2"x1 1/2"x1/4"	Angle iron.
Filler (belt guards)	1 1/2"x3/16"	Flat iron.
Filler and vertical side member	No. 20 A.W.G.	Solid sheet metal.
Filler supports	2"x5/16" flat iron	Flat and angle.
Guard supports	2"x5/16"	Flat iron.

FASTENINGS

Filler supports to framework	(2) 3/16"	Rivets.
Filler flats to supports (belt guards)	(1) 5/16"	Flush rivets.
Filler to frame and supports (chain guards)	3/16" rivets spaced	
Guard supports to frame work	(2) 3/6"	Rivets or bolts.
Guard and supports to overhead ceiling	1/4"x3 1/2" lag screws or 1/2" bolts	Lag screws or bolts.

DETAILS SPACING, ETC.

Width of guards	One quarter wider than belt, rope, or chain drive
Spacing between filler supports	20" C. to C
Spacing between filler flats (belt guards)	2" apart
Spacing between guard supports	36" C. to C

OTHER BELT GUARD FILLING PERMITTED

Sheet metal fastened as in chain guards	No. 20 A.W.G.	Solid or perforated.
Woven wire, 2" mesh	No. 12 A.W.G.	

CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD

Distance center to center of shafts	Up to 15' inclusive	Over 40'.
Clearance from belt, or chain to guard	6"	20"

(TABLE O-13: Part 2 - Over 14" to 24")

	Width	
	Over 14" to 24" inclusive	Material
MEMBERS		
Framework	2"x2"x5/16"	Angle iron.
Filler (belt guards)	2"x3/16"	Flat iron.

PROPOSED

PROPOSED

Filler and vertical side member	No. 18 A.W.G.	Solid sheet metal.
Filler supports	2"x3/8" flat iron	Flat and angle.
Guard supports	2"x3/8"	Flat iron.

FASTENINGS

Filler supports to framework	(2) 3/16"	Rivets.
Filler flats to supports (belt guards)	(1) 5/16"	Flush rivets.
Filler to frame and supports (chain guards)	8" centers on sides and 4" centers on bottom	
Guard supports to frame work	(2) 7/16"	Rivets or bolts.
Guard and supports to overhead ceiling	5/8"x4" lag screws or 5/8" bolts	Lag screws or bolts.

DETAILS SPACING, ETC.

Width of guards
Spacing between filler supports	16" C. to C.
Spacing between filler flats (belt guards)	2 1/2" apart
Spacing between guard supports	36" C. to C.

OTHER BELT GUARD FILLING PERMITTED

Sheet metal fastened as in chain guards	No. 18 A.W.G.	Solid or perforated.
Woven wire, 2" mesh	No. 10 A.W.G.	

CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD

Distance center to center of shafts	Over 15' to 25' inclusive	Over 40'
Clearance from belt, or chain to guard	10"	20"

(TABLE O-13: Part 3 Over 24")

	Width	
	Over 24"	Material

MEMBERS

Framework	3"x2"x3/8"	Angle iron.
Filler (belt guards)	2"x5/16"	Flat iron.
Filler and vertical side member	No. A.W.G.	Solid sheet metal.
Filler supports	2 1/2"x2 1/2"x1/4" angle	Flat and angle.
Guard supports	2 1/2"x3/8"	Flat iron.

FASTENINGS

Filler supports to framework	(3) 1/2"	Rivets.
Filler flats to supports (belt guards)	(2) 3/8"	Flush rivets.
Filler to frame and supports (chain guards)	

Guard supports to frame work	(2) 5/8"	Rivets or bolts.
Guard and supports to overhead ceiling	3/4"x6" lag screws or 3/4" bolts.	Lag screws or bolts.

DETAILS SPACING, ETC.

Width of guards
Spacing between filler supports	16" C. to C.
Spacing between filler flats (belt guards)	4" apart
Spacing between guard supports	36" C. to C.

OTHER BELT GUARD FILLING PERMITTED

Sheet metal fastened as in chain guards	No. 18 A.W.G.	Solid or perforated.
Woven wire, 2" mesh	No. 8 A.W.G.	

CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD

Distance center to center of shafts	Over 25' to 40' inclusive	Over 40'
Clearance from belt, or chain to guard	15"	20"

Reserve.

AMENDATORY SECTION (Amending Order 74-19, filed 5/6/74)

WAC 296-301-020 General safety requirements. (1) Means of stopping machines. Every textile machine shall be provided with individual mechanical or electrical means for stopping such machines. On machines driven by belts and shafting a locking-type shifter or an equivalent positive device shall be used. On operations where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(2) Handles. Stopping and starting handles shall be designed to the proper length to prevent the worker's hand or fingers from striking against any revolving part, gear guard, or any other part of the machine.

(3) Machine guarding. ~~(Mechanical power transmission equipment shall be guarded in conformity with WAC 296-24-205 through 296-24-20531, of the general safety and health standards.)~~ An employer must ensure that power transmission parts are guarded according to the requirements of WAC 296-24-205 through 296-24-20527 of the general safety and health standards.

Exception: Only the side and face sections of a nip-point belt and pulley guard are required so that the guard extends at least:

- (a) Six inches beyond the rim of the pulley on the in-running and off-running sides of the belt; and
- (b) Two inches away from the rim and face of the pulley in all other directions.

(4) Housekeeping. Aisles and working spaces shall be kept in good order, clean and free of obstructions in accordance with requirements of WAC 296-24-120 through 296-24-12015, of the general safety and health standards.

(5) Inspection and maintenance. All guards and other safety devices, including starting and stopping devices, shall be properly maintained.

(6) Lighting and illumination. Lighting and illumination shall conform to the general occupational health standards, chapter 296-62 WAC.

(7) Identification of piping systems. Identification of piping systems shall conform to American National Standard A13.1-1956.

(8) Identification of physical hazards. Identification of physical hazards shall be in accordance with the requirements of WAC 296-24-135 through 296-24-13503, of the general safety and health standards.

(9) Steam pipes. All pipes carrying steam or hot water for process or servicing machinery, when exposed to contact and located within seven feet of the floor or working platform shall be covered with a heat-insulating material, or guarded with equivalent protection.

WSR 97-21-147
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed October 22, 1997, 10:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-16-119 on August 6, 1997.

Title of Rule: High voltage electrical, chapter 296-45 WAC.

Purpose: **HIGH VOLTAGE ELECTRICAL**, chapter 296-45 WAC, Safety standards for electrical workers.

The Occupational Safety and Health Administration (OSHA) determined and notified the department in a letter dated April 10, 1996, that the WISHA high voltage electrical standard was "not-at-least-as-effective-as" the federal standard.

A collaborative review of the OSHA determination between the department and Electrical Utilities Safety Advisory Committee (EUSAC) identified other areas of concern in the electrical standards. As a result, a decision was made to do a comprehensive review of the standards. The issues identified in this joint review and addressed in this rule amendment proposal follow.

The committee mutually agreed to:

1. Reorganize the contents of chapter 296-45 WAC, Safety standards for electrical workers, to bring it in alignment with the federal standard. The existing state standard and the federal standard differ significantly in organization and presentation of requirements. This difference makes it difficult for:

- Interstate business to assess the differences between the state and federal standards.
- OSHA to cross check and evaluate the effectiveness of the state standard.

2. Correct or clarify the items identified by OSHA "not-at-least-as-effective-as" the federal standard.

3. Add a reference in chapter 296-45 WAC to NESC ANSI C.2, which relates to the specifications for clearances, dimensions, voltages, and other conditions necessary in the construction and maintenance of high voltage electrical

facilities. Adding this reference eliminates the need for chapter 296-44 WAC, Safety standards—Electrical construction code, which merely restates the National Electrical Safety Code, and the need to update the standard each time the National Electrical Safety Code is updated. These amendments will not change the applicability of NESC ANSI C.2 to the high voltage electrical industry.

*(Repeal of chapter 296-44 WAC is being proposed in a separate Code Reviser filing).

A summary of the proposed amendments follow. **Please note:** Proposed amendments which move existing information and requirements to "new" sections are being made for clarification, better organization of information, and to be consistent with the federal standard organization of information. These proposed amendments do not add additional compliance requirements.

New section **WAC 296-45-005 Electrical workers safety rules—Forward**, this state-initiated proposed new section contains existing requirements currently found in WAC 296-45-650.

New section **WAC 296-45-015 Scope and application**, this state-initiated proposed new section contains existing requirements currently found in WAC 296-45-65003.

New section **WAC 296-45-025 Variances**, this state-initiated proposed new section contains existing requirements currently found in WAC 296-45-65003(5).

New section **WAC 296-45-035 Definitions**, this state-initiated proposed new section contains existing definitions currently found in WAC 296-45-65005.

New section **WAC 296-45-045 NESC applicable**, state-initiated proposed amendments are being made to add a reference to the National Electrical Safety Code NESC ANSI C.2. Because chapter 296-44 WAC's purpose is merely to restate the National Electrical Safety Code, the EUSAC and the department agreed that NESC ANSI C.2 should be "referenced" in chapter 296-45 WAC, Safety standards—Electrical workers, this proposed amendment will:

- Not change the applicability of NESC ANSI C.2 to the high voltage electrical industry.
- Eliminate the need for chapter 296-44 WAC.
- Eliminate the need to update the state standard each time the National Electrical Safety Code is updated.
- Keep the NESC requirements current in the state standard.

New section **WAC 296-45-055 Employer's responsibility**, this state-initiated proposed new section contains existing requirements currently found in WAC 296-45-65009.

New section **WAC 296-45-065 Training**, this state-initiated proposed new section contains existing requirements currently found in WAC 296-45-65009. Federal-initiated amendments are made to add the words "on or" to Item (d) to clarify the requirement that employees must be trained in the use of PPE and insulating equipment when "working on" exposed energized parts of electric equipment.

New section **WAC 296-45-075 Employers' safety program**, this state-initiated proposed new section contains existing requirements currently found in WAC 296-45-65009.

New section **WAC 296-45-085 Leadworker's responsibility**, this state-initiated proposed new section contains

existing requirements currently found in WAC 296-45-65011.

New section **WAC 296-45-095 Leadworker—Employee responsibility**, this state-initiated proposed new section contains existing requirements currently found in WAC 296-45-65013.

New section **WAC 296-45-105 Work required of leadworker**, this state-initiated proposed new section contains existing requirements currently found in WAC 296-45-65015.

New section **WAC 296-45-115 Employee's responsibility**, this state-initiated proposed new section contains existing requirements currently found in WAC 296-45-65017.

New section **WAC 296-45-125 Medical services and first aid**, this state-initiated proposed new section contains existing requirements currently found in WAC 296-45-65019.

New section **WAC 296-45-135 Job briefing**, this state-initiated proposed new section contains existing requirements currently found in other sections in chapter 296-45 WAC.

New section **WAC 296-45-175 Hazardous energy control**, this state-initiated proposed new section contains existing requirements currently found in WAC 296-45-695.

New section **WAC 296-45-17505 Lockout/tagout (hazardous control) program**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-695.

New section **WAC 296-45-17510 Retraining**, this state-initiated proposed new section contains existing requirements relating to requirements for retraining of workers due to changes in lockout/tagout routine or conditions. These requirements are currently located in WAC 296-45-695.

New section **WAC 296-45-17515 Protective materials and hardware**, this state-initiated proposed new section identifies protective materials and hardware, e.g., locks and tags, that must be provided to workers by the employer. These requirements are currently located in WAC 296-45-695.

New section **WAC 296-45-17520 Energy isolation**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-695 which requires that lockout/tagout associated with energy isolation be done only by authorized employees.

New section **WAC 296-45-17525 Notification**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-695 which requires notification of employees of placement and removal of lockout/tagout.

New section **WAC 296-45-17530, Lockout/tagout application**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-695 relating to identification of the elements of lockout/tagout placement.

New section **WAC 296-45-17535 Releasing stored energy**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-695 relating to identification of the elements of releasing stored energy associated with lockout/tagout application.

New section **WAC 296-45-17540 Release from lockout/tagout**, this state-initiated proposed new section contains existing requirements currently located in WAC

296-45-695 relating to procedures for performing a release from lockout/tagout.

New section **WAC 296-45-17545 Temporary removal of lockout/tagout**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-695 relating to procedures for performing a temporary removal of lockout/tagout.

New section **WAC 296-45-17550 Servicing contractors**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-695 relating to procedures for performing a group lockout/tagout when servicing more than one controller.

New section **WAC 296-45-17555 Shift changes**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-695 relating to procedures for ensuring continuity of lockout/tagout practices during and after shift changes.

New section **WAC 296-45-17560 Outside servicing personnel**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-695 relating to outside servicing personnel who perform lockout/tagout inform each other of any lockout/tagout actions taken.

New section **WAC 296-45-17565 Central system operator**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-695 relating to requirements for centrally located lockout/tagout system operators.

New section **WAC 296-45-195 Trenching and excavation**, this state-initiated proposed new section contains existing requirements currently found in other sections in chapter 296-45 WAC.

New section **WAC 296-45-205 Enclosed spaces**, this state-initiated proposed new section contains existing requirements currently found in other sections in chapter 296-45 WAC. Federal-initiated amendments are made to include calibration of monitoring equipment. Monitoring equipment is to be calibrated within 10% accuracy (plus or minus) for monitoring enclosed spaces.

New section **WAC 296-45-215 Underground electrical installations**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65037 relating to underground electrical installations. Federal-initiated amendments are made to clarify requirements relating to duct rods and communications.

New section **WAC 296-45-225 Underground residential distribution (URD)**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65038 relating to underground residential distribution.

New section **WAC 296-45-255 Protective equipment**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65021 relating to tools and protective equipment.

New section **WAC 296-45-25505 Personal protective equipment**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65021 relating to personal protective equipment.

New section **WAC 296-45-25510 Fall protection**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65021(2). Federal-initiated amendments are made to add the existing fall protection requirement from chapter 296-155 WAC,

Safety standards for construction, which states that no more than one person can be attached to a vertical or drop lifeline.

New section **WAC 296-45-275 Ladders**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65021(3).

New section **WAC 296-45-285 Hand and portable power tools**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65021 and 296-45-66003. Federal-initiated amendments are made to clarify the release of pneumatic and hydraulic pressures when disconnecting tools from supply lines.

New section **WAC 296-45-295 Gasoline engine power chain saws**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-60013.

New section **WAC 296-45-305 Live line tools**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65021 and 296-45-66003.

New section **WAC 296-45-315 Materials handling and storage**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65045. Federal-initiated amendments are made to clarify requirements for voltages of 50 KV or less.

New section **WAC 296-45-325 Working on or near energized parts**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-66011. Table 1 was amended to change the required distance from 2' 1" to 2' 2" as correctly indicated in WAC 296-45-65027. Federal-initiated amendments are made to clarify requirements for fuse handling and opening circuits under load.

New section **WAC 296-45-335 De-energizing lines and equipment for employee protection**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65023. Federal-initiated amendments are made to clarify requirements for the release from clearance and assigning responsibilities for the clearance.

New section **WAC 296-45-345 Grounding for protection of employees**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65026. Federal-initiated amendments are made to clarify grounding requirements.

New section **WAC 296-45-355 Underground grounding**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65037 and 296-45-65038.

New section **WAC 296-45-365 Testing and test facilities**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-700.

New section **WAC 296-45-375 Mechanical equipment, including aerial manlift equipment**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-66007. Federal-initiated amendments are made to clarify the requirement for a visual inspection before use on each shift of the aerial manlift components.

New section **WAC 296-45-385 Overhead lines**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65029.

New section **WAC 296-45-455 Line clearance tree trimming operations**, this state-initiated proposed new section series contains existing requirements currently located in the WAC 296-45-660 series. Federal-initiated amendments are made to move voltage determination requirements from WAC 296-45-65011 for clarification.

New section **WAC 296-45-45505 Brush chippers**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-66003.

New section **WAC 296-45-45510 Sprayers and related equipment**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-66003.

New section **WAC 296-45-45515 Stump cutters**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-66003.

New section **WAC 296-45-45520 Backpack power units for use in pruning and clearing**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-66003.

New section **WAC 296-45-45525 Rope**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-66003.

New section **WAC 296-45-45530 Fall protection**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-66003.

New section **WAC 296-45-465 Communication facilities**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-680.

New section **WAC 296-45-475 Substations**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65035. Federal-initiated amendments are made to clarify entry and working space requirements.

New section **WAC 296-45-485 Power generation**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-690.

New section **WAC 296-45-48505 Interlocks and other safety devices**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-695.

New section **WAC 296-45-48510 Changing brushes**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-690.

New section **WAC 296-45-48515 Access and working space**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-690.

New section **WAC 296-45-48520 Guarding of rooms containing electric supply equipment**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-690.

New section **WAC 296-45-48525 Guarding of energized parts**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-690.

New section **WAC 296-45-48530 Water or steam spaces**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-690.

New section **WAC 296-45-48535 Chemical cleaning of boilers and pressure vessels**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-690.

New section **WAC 296-45-48540 Chlorine systems**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-690.

New section **WAC 296-45-48545 Boilers**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-690.

New section **WAC 296-45-48550 Turbine generators**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-690.

New section **WAC 296-45-48555 Coal and ash handling**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-690.

New section **WAC 296-45-48560 Hydroplants and equipment**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-690.

New section **WAC 296-45-525 Special conditions**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65029. Federal-initiated amendments are made to clarify opening a transformer while energized, backfeed, and laser requirements.

New section **WAC 296-45-52505 Capacitors**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65029.

New section **WAC 296-45-52510 Current transformer secondaries**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65029.

New section **WAC 296-45-52515 Series streetlighting**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65029.

New section **WAC 296-45-52520 Illumination**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65021.

New section **WAC 296-45-52525 Protection against drowning**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65021.

New section **WAC 296-45-52530 Employee protection in public work areas**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65037.

New section **WAC 296-45-52535 Backfeed**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65026.

New section **WAC 296-45-52540 Lasers**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-680.

New section **WAC 296-45-52545 Hydraulic fluids**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65041.

New section **WAC 296-45-52550 Foreign attachments and placards**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-680.

New section **WAC 296-45-545 Trolley maintenance, jumpering and bypassing**, this state-initiated proposed new section contains existing requirements currently located in WAC 296-45-65039.

Repealed section **WAC 296-45-60013 Hand and portable power tools**, state-initiated proposed amendments

are made to repeal this section and incorporate existing requirements into WAC 296-45-65021.

Repealed section **WAC 296-45-650 Electrical workers safety rules—Forward**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-005.

Repealed section **WAC 296-45-65003 Scope and application**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-015.

Repealed section **WAC 296-45-65005 Definitions**, state-initiated proposed amendments are made to repeal this section and incorporate existing information into WAC 296-45-035.

Repealed section **WAC 296-45-65009 Employer's responsibility**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-055.

Repealed section **WAC 296-45-65011 Lead worker's responsibility**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-085.

Repealed section **WAC 296-45-65013 Lead worker-Employee responsibility**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-095.

Repealed section **WAC 296-45-65015 Work required of foreman**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-105.

Repealed section **WAC 296-45-65017 Employee's responsibility**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-115.

Repealed section **WAC 296-45-65019 First-aid**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-125.

Repealed section **WAC 296-45-65021 Tools and protective equipment**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-285.

Repealed section **WAC 296-45-65023 Clearances, operating power lines and equipment**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-335.

Repealed section **WAC 296-45-65026 Personal protective equipment**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-25505.

Repealed section **WAC 296-45-65027 General requirements**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-525.

Repealed section **WAC 296-45-65029 Overhead lines**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-385.

Repealed section **WAC 296-45-65031 Pole and pole settings**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-385.

Repealed section **WAC 296-45-65033 Transmission line construction**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-385.

Repealed section **WAC 296-45-65035 Substations**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-475.

Repealed section **WAC 296-45-65037 Underground**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-215.

Repealed section **WAC 296-45-65038 Underground residential distribution (URD)**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-225.

Repealed section **WAC 296-45-65039 Trolley maintenance, jumpering or bypassing**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-545.

Repealed section **WAC 296-45-65041 Aerial manlift equipment**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-375.

Repealed section **WAC 296-45-65043 All motor vehicle and trailer operations**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-375.

Repealed section **WAC 296-45-65045 Material handling**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-315.

Repealed section **WAC 296-45-65047 Specifications for lineworkers belts and similar equipment**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-25510.

Repealed section **WAC 296-45-660 Tree trimming**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-455.

Repealed section **WAC 296-45-66001 Electrical hazards**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-455.

Repealed section **WAC 296-45-66003 Tools and protective equipment**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-305.

Repealed section **WAC 296-45-66005 Insulated tools used for tree trimming**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-305.

Repealed section **WAC 296-45-66007 Aerial manlift equipment**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-375.

Repealed section **WAC 296-45-66009 All motor vehicle and trailer operations**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-375.

Repealed section **WAC 296-45-66001 Working in proximity to electrical hazards**, state-initiated proposed

amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-455.

Amended section **WAC 296-45-67543 General**, the title of this existing section is proposed to be changed from "general" to "working near helicopters." Requirements have not changed.

Repealed section **WAC 296-45-680 Communication facilities**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-465.

Repealed section **WAC 296-45-690 Power generation**, the requirements are the same only the number will be changed to follow federal standard sequence. It will be WAC 296-45-485.

Repealed section **WAC 296-45-695 Hazardous energy control**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into the WAC 296-45-175 series.

Repealed section **WAC 296-45-700 Testing and test facilities**, state-initiated proposed amendments are made to repeal this section and incorporate existing requirements into WAC 296-45-365.

New section **WAC 296-45-901 Appendix A**, state-initiated proposed amendments are made to include this federal nonmandatory appendix in the state standard to be consistent with the federal standard.

New section **WAC 296-45-903 Appendix B**, state-initiated proposed amendments are made to include this federal nonmandatory appendix in the state standard to be consistent with the federal standard.

New section **WAC 296-45-905 Appendix C**, state-initiated proposed amendments are made to include this federal nonmandatory appendix in the state standard to be consistent with the federal standard.

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

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, OSHA letter dated April 10, 1996.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has considered whether the proposed rules are subject to the Regulatory Fairness Act and has determined that a small business economic impact statement is not required because the proposal does not have the potential of placing an economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria does not apply to these rule amendments because they meet the exempt criteria outlined in RCW 34.05.328 (5)(b)(iii) and (iv). Significant rule-

making criteria does not apply when adopting federal statutes or regulations without material change, or when adopting rules to correct information that is housekeeping in nature (typographical errors, address/name changes, or clarification of rule language without changing its effect).

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on December 3, 1997, at 9:30 a.m.

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

Submit Written Comments to: Tracy Spencer, Standards Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, by December 10, 1997, 5:00 p.m.

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

Date of Intended Adoption: February 27, 1998.

October 22, 1997

Gary Moore

Director

by Mike Watson

Chapter 296-45 WAC SAFETY STANDARDS(—) FOR ELECTRICAL WORKERS

NEW SECTION

WAC 296-45-005 Electrical workers safety rules—

Foreword. The purpose of this chapter is to make the workplace of electrical employees as free from recognized hazards as reasonably possible. Following these rules may sometimes require that employee safety receive a higher priority than speed and work performance. These rules exist to provide employee safety, so employees are expected, in good faith, to follow the provisions of this chapter. This chapter is not intended to be a complete job description nor is it expected that the chapter covers every hazard that an employee may encounter. When a hazard exists that is not covered by this chapter, the leadworker and employees are expected, in good faith, to mutually discuss the hazard and agree how to perform the work with the greatest degree of safety.

The department of labor and industries is the sole and paramount administrative agency responsible for the administration and interpretation of this chapter and the Washington Industrial Safety and Health Act of 1973. If there exists a question as to the meaning of any provision of this chapter, such question must first be directed to the department of labor and industries and its authorized representatives.

Experience has proven that the majority of injuries and deaths are preventable. Most injuries and deaths are not due to defective equipment but are due to failure on the part of the employees and those in authority to observe safety rules and failure to use safety devices. In the last analysis, this chapter is a compilation of experience and common sense. Electrical safety requires that the work be properly planned, executed by the use of good judgment and under the direction of intelligent supervision.

NEW SECTION

WAC 296-45-015 Scope and application. (1) This chapter covers the operation and maintenance of electric power generation, control, transformation, transmission, and distribution lines and equipment. These provisions apply to:

(a) Power generation, transmission, and distribution installations, including related equipment for the purpose of communication or metering, which are accessible only to qualified employees;

Note: The types of installations covered by this chapter include the generation, transmission, and distribution installations of electric utilities, as well as equivalent installations of industrial establishments. Trolley maintenance, jumpering, and bypass is also covered by this chapter. Supplementary electric generating equipment that is used to supply a workplace for emergency, standby, or similar purposes only is covered under Part L of chapter 296-24 WAC.

(b) Other installations at an electric power generating station, as follows:

(i) Fuel and ash handling and processing installations, such as coal conveyors;

(ii) Water and steam installations, such as penstocks, pipelines, and tanks, providing a source of energy for electric generators; and

(iii) Chlorine and hydrogen systems.

(c) Test sites where electrical testing involving temporary measurements associated with electric power generation, transmission, and distribution is performed in laboratories, in the field, in substations, and on lines, as opposed to metering, relaying, and routine line work;

(d) Work on or directly associated with the installations covered in subsections (1)(a) through (c) of this section; and

(e) Line-clearance tree-trimming operations, as follows:

(i) This chapter except WAC 296-45-455, applies to line-clearance tree-trimming operations performed by qualified employees (those who are knowledgeable in the construction and operation of electric power generation, transmission, or distribution equipment involved, along with the associated hazards).

(ii) WAC 296-45-065, 296-45-125, 296-45-135, 296-45-255, 296-45-315, 296-45-375, and 296-45-455 through 296-45-45530 apply to line-clearance tree-trimming operations performed by line-clearance tree trimmers who are not qualified employees.

(2) Notwithstanding subsection (1) of this section, this chapter does not apply:

(a) To construction work as defined in chapter 296-155 WAC; or

(b) To electrical installations, electrical safety-related work practices, or electrical maintenance considerations covered by Part L of chapter 296-24 WAC.

Note 1: Work practices conforming to WAC 296-24-970 through 296-24-985 are considered as complying with the electrical safety-related work practice requirements of this chapter, provided the work is being performed on a generation or distribution installation meeting WAC 296-24-95601 through 296-24-95699. This chapter also applies to work by qualified persons directly on or associated with installations of electric power generation, transmission, and distribution lines or equipment, regardless of compliance with WAC 296-24-970 through 296-24-985.

Note 2: Work practices performed by qualified persons and conforming to this chapter are considered as complying with WAC 296-24-95601 through 296-24-95699.

(3) This section applies in addition to all other applicable safety and health standards administered by the department. Specific references in this section to other standards are provided for emphasis only.

(4) Operation, conditions, work methods and other work related situations or activities not specifically covered by this chapter are subject to the rules and regulations of chapter 296-24 WAC, General safety and health standards; chapter 296-62 WAC, General occupational health standards; chapter 296-155 WAC, Safety standards for construction work; and, insofar as applicable to employee safety and health, chapter 19.29 RCW. Additionally, operations, conditions, work methods and other work related situations or activities may be subject to additional rules and regulations depending upon the nature of the work being performed.

(5) These rules shall not apply to the use of existing electrical installations during their lifetime, provided they are maintained in good condition and in accordance with the applicable safety factor requirements and the rules in effect at the time they were installed, and provided that reconstruction shall conform to the rules as herein provided.

(6) Any rule, regulation or standard contained within this chapter, if subject to interpretation, shall be interpreted so as to achieve employee safety, which is the ultimate purpose of this chapter.

(7) Should a rule or standard contained within this chapter conflict, in any manner, with a standard or rule contained within any other chapter of Title 296 WAC the standard or rule contained herein shall apply so long as the work being done is power generation, transmission, and distribution installations, including related equipment for the purpose of communication or metering, which are accessible only to qualified employees. If there are rules within this chapter that conflict, the rule that provides the greatest employee safety will apply.

(8) Neither the promulgation of these rules, nor anything contained in these rules shall be construed as affecting the relative status or civil rights or liabilities between employers and their employees and/or the employees of others and/or the public generally; nor shall the use herein of the words "duty" and "responsibility" or either, import or imply liability other than provided for in the industrial insurance and safety laws of the state of Washington, to any person for injuries due to negligence predicated upon failure to perform or discharge any such "duty" or "responsibility," but failure on the part of the employees, leadworker, or employer to comply with any compulsory rule may be cause for the department of labor and industries to take action in accordance with the industrial insurance and safety laws.

(9) "Shall" and "must" as used in this chapter make the provisions mandatory. "Should," "may," or "it is recommended" are used to indicate the provisions are not mandatory but are recommended.

(10) If any section, subsection, phrase, or provisions of this chapter or part thereof should be held invalid by any court for any reason, such invalidity shall not in any way affect the validity of the remainder of this chapter, unless such decision renders the remainder of the provision unintelligible, or changes the meaning of such other provision or provisions.

(11) When the language used in this chapter indicates that it is the responsibility, duty, or obligation of the

leadworker or other employee, it shall also be the employer's responsibility, obligation, and duty.

Whenever this chapter refers to the provisions of another safety and health standard or statute affecting safety and health, such reference refers to the statute or code in effect at the time the work is being performed.

NEW SECTION

WAC 296-45-025 Variances. Under certain circumstances, an employer may obtain a variance from the director of the department of labor and industries or an authorized representative. Until such time as a variance is granted, the employer and employees must comply with the mandatory provisions of this chapter. The procedure and requirements for variances are found in chapter 296-350 WAC.

NEW SECTION

WAC 296-45-035 Definitions. These definitions apply to chapter 296-45 WAC.

"Aerial manlift equipment" - Equipment such as extended towers, boom-mounted cages or baskets, and truck-mounted ladders, that is primarily designed to place personnel and equipment aloft to work on elevated structures and equipment.

"Affected employee" - An employee whose job requires him or her to operate or use a machine or equipment on which servicing or maintenance is being performed under lockout or tagout, or whose job requires him or her to work in an area in which such servicing or maintenance is being performed.

"Apprentice" - An employee who is being trained to be journey level.

"Approved" - Meets or exceeds the recognized standards of safety within the industry.

"Approved protectors" - Gloves worn over rubber insulating gloves which are of such material or substance and so constructed as to protect the rubber gloves from abrasions, lacerations, or other physical damage which might otherwise occur to rubber gloves. Approved protectors must conform to the standards which are recognized by the industry.

"Attendant" - An employee assigned to remain immediately outside the entrance to an enclosed or other space to render assistance as needed to employees inside the space.

"Authorized employee" - An employee who locks out or tags out machines or equipment in order to perform servicing or maintenance on that machine or equipment. An affected employee becomes an authorized employee when that employee's duties include performing servicing or maintenance covered under this section.

"Automatic circuit recloser" - A self-controlled device for interrupting and reclosing an alternating current circuit with a predetermined sequence of opening and reclosing followed by resetting, hold-closed, or lockout operation.

"Barricade" - A physical obstruction such as tapes, cones, or A-frame type wood or metal structures intended to provide a warning about and to limit access to a hazardous area.

"Barrier" - A physical obstruction which is intended to prevent contact with energized lines or equipment or to prevent unauthorized access to a work area.

"Bond" - The electrical interconnection of conductive parts designed to maintain a common electrical potential.

"Bus" - A conductor or a group of conductors that serve as a common connection for two or more circuits.

"Bushing" - An insulating structure, including a through conductor or providing a passageway for such a conductor, with provision for mounting on a barrier, conducting or otherwise, for the purposes of insulating the conductor from the barrier and conducting current from one side of the barrier to the other.

"Cable" - A conductor with insulation, or a stranded conductor with or without insulation and other coverings (single-conductor cable), or a combination of conductors insulated from one another (multiple-conductor cable).

"Cable sheath" - A conductive protective covering applied to cables.

Note: A cable sheath may consist of multiple layers of which one or more is conductive.

"Circuit" - A conductor or system of conductors through which an electric current is intended to flow.

"Clearance" (between objects) - The clear distance between two objects measured surface to surface.

"Clearance" (for work) - Authorization to perform specified work or permission to enter a restricted area.

"Communication lines." (See "Lines, communication.")

"Conductor" - A material, usually in the form of a wire, cable, or bus bar, used for carrying an electric current.

"Covered conductor" - A conductor covered with a dielectric having no rated insulating strength or having a rated insulating strength less than the voltage of the circuit in which the conductor is used.

"Current-carrying part" - A conducting part intended to be connected in an electric circuit to a source of voltage. Noncurrent-carrying parts are those not intended to be so connected.

"De-energized" - Free from any electrical connection to a source of potential difference and from electric charge; not having a potential difference from that of the earth.

Note: The term is used only with reference to current-carrying parts, which are sometimes energized (alive).

"Designated employee/person" - An employee/person who is designated by the employer to perform specific duties under the terms of this section and who is knowledgeable in the construction and operation of the equipment and the hazards involved.

"Electric line truck" - Any vehicle used to transport employees, tools, and material, which serves as a traveling workshop for electric power line construction and maintenance work. It may be equipped with a boom and auxiliary equipment for setting poles, digging holes, and elevating material and/or workers.

"Electric supply equipment" - Equipment that produces, modifies, regulates, controls, or safeguards a supply of electric energy.

"Electric supply lines." (See "Lines, electric supply.")

"Electric utility" - An organization responsible for the installation, operation, or maintenance of an electric supply system.

"Emergency" - An unforeseen occurrence endangering life, limb, or property.

"Enclosed" - Surrounded by a case, cage, fence or otherwise which will protect the contained equipment and prevent accidental contact of a person with live parts.

"Enclosed space" - A working space, such as a manhole, vault, tunnel, or shaft, that has a limited means of egress or entry, that is designed for periodic employee entry under normal operating conditions, and that under normal conditions does not contain a hazardous atmosphere, but that may contain a hazardous atmosphere under abnormal conditions.

Note: Spaces that are enclosed but not designed for employee entry under normal operating conditions are not considered to be enclosed spaces for the purposes of this section. Similarly, spaces that are enclosed and that are expected to contain a hazardous atmosphere are not considered to be enclosed spaces for the purposes of this section. Such spaces meet the definition of permit spaces in WAC 296-62-145, and entry into them must be performed in accordance with that standard.

"Energized" (alive, live) - Electrically connected to a source of potential difference, or electrically charged so as to have a potential significantly different from that of earth in the vicinity.

"Energy isolating device" - A physical device that prevents the transmission or release of energy, including, but not limited to, the following: A manually operated electric circuit breaker, a disconnect switch, a manually operated switch, a slide gate, a slip blind, a line valve, blocks, and any similar device with a visible indication of the position of the device. (Push buttons, selector switches, and other control-circuit-type devices are not energy isolating devices.)

"Energy source" - Any electrical, mechanical, hydraulic, pneumatic, chemical, nuclear, thermal, or other energy source that could cause injury to personnel.

"Equipment" (electric) - A general term including material, fittings, devices, appliances, fixtures, apparatus, and the like used as part of or in connection with an electrical installation.

"Exposed" - Not isolated or guarded.

"Fault current" - The current that flows in an electrical system because of a defect in the circuit induced accidentally or otherwise.

"Fixed ladder" - A ladder that is permanently secured to a structure.

"Ground" - A conducting connection, whether intentional or accidental, between an electric circuit or equipment and the earth, or to some conducting body that serves in place of the earth.

"Grounded" - Connected to earth or to some conducting body that serves in place of the earth.

"Grounded system" - A system of conductors in which at least one conductor or point (usually the middle wire, or neutral point of transformer or generator windings) is intentionally grounded either solidly or through a current-limiting device (not a current-interrupting device).

"Groundperson" - A member of crew working on ground under direction of a leadworker.

"Guarded" - Covered, fenced, enclosed, or otherwise protected, by means of suitable covers or casings, barrier rails or screens, mats, or platforms, designed to prevent the

possibility, under normal conditions, of dangerous approach or accidental contact by persons or objects.

Note: Wires which are insulated, but not otherwise protected, are not considered as guarded.

"Hazardous atmosphere" - An atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from an enclosed space), injury, or acute illness from one or more of the following causes:

- Flammable gas, vapor, or mist in excess of 10 percent of its lower flammable limit (LFL);
- Airborne combustible dust at a concentration that meets or exceeds its LFL;

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of 5 feet (1.52 m) or less;

- Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent;
- Atmospheric concentration of any substance for which a dose or a permissible exposure limit is published in chapter 296-62 WAC, Part L, or in chapter 296-62 WAC, toxic and hazardous substances, and which could result in employee exposure in excess of its dose or permissible exposure limit;

Note: An atmospheric concentration of any substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this provision.

- Any other atmospheric condition that is "immediately dangerous to life or health" (IDLH).

"IDLH" - Any condition that poses an immediate or delayed threat to life or that would cause irreversible adverse health effects or that would interfere with an individual's ability to escape unaided from a permit space.

Note: Some materials (hydrogen fluoride gas and cadmium vapor, for example) may produce immediate transient effects that, even if severe, may pass without medical attention, but are followed by sudden, possibly fatal collapse 12-72 hours after exposure. The victim "feels normal" from recovery from transient effects until collapse. Such materials in hazardous quantities are considered to be "immediately" dangerous to life or health.

Note: For air contaminants for which WISHA has not determined a dose or permissible exposure limit, other sources of information, such as Material Safety Data Sheets that comply with the Hazard Communication Standard, chapter 296-62 WAC, Part C, published information, and internal documents can provide guidance in establishing acceptable atmospheric conditions.

"High-power tests" - Tests in which fault currents, load currents, magnetizing currents, and line-dropping currents are used to test equipment, either at the equipment's rated voltage or at lower voltages.

"High-voltage tests" - Tests in which voltages of approximately 1000 volts are used as a practical minimum and in which the voltage source has sufficient energy to cause injury.

"High wind" - A wind of such velocity that the following hazards would be present:

- An employee would be exposed to being blown from elevated locations; or
- An employee or material handling equipment could lose control of material being handled; or
- An employee would be exposed to other hazards not controlled by the standard involved.

Note: Winds exceeding 40 miles per hour (64.4 kilometers per hour), or 30 miles per hour (48.3 kilometers per hour) if material handling is involved, are normally considered as meeting this criteria unless precautions are taken to protect employees from the hazardous effects of the wind.

"Insulated" - Separated from other conducting surfaces by a dielectric (including air space) offering a high resistance to the passage of current.

Note: When any object is said to be insulated, it is understood to be insulated for the conditions to which it is normally subjected. Otherwise, it is, within the purpose of this section, uninsulated.

"Insulation" (cable) - That which is relied upon to insulate the conductor from other conductors or conducting parts or from ground.

"Insulation shielding" - An envelope which encloses the insulation of a cable and provides an equipotential surface in contact with cable insulation.

"Isolated" - An object that is not readily accessible to persons unless special means of access are used.

"Leadworker" - The person directly in charge of workers doing the work, regardless of title.

"Line-clearance tree trimmer" - An employee who, through related training or on-the-job experience or both, is familiar with the special techniques and hazards involved in line-clearance tree trimming.

Note 1: An employee who is regularly assigned to a line-clearance tree-trimming crew and who is undergoing on-the-job training and who, in the course of such training, has demonstrated an ability to perform duties safely at his or her level of training and who is under the direct supervision of a line-clearance tree trimmer is considered to be a line-clearance tree trimmer.

Note 2: A line-clearance tree trimmer is not considered to be a "qualified employee" under this section unless he or she has the training required for a qualified employee under WAC 296-45-065. However, under the electrical safety-related work practices standard, a line-clearance tree trimmer is considered to be a "qualified employee." Tree trimming performed by such "qualified employees" is not subject to the electrical safety-related work practice requirements contained in WAC 296-24-970. (See also the note following WAC 296-24-970 for information regarding the training an employee must have to be considered a qualified employee.)

"Line-clearance tree trimming" - The pruning, trimming, repairing, maintaining, removing, or clearing of trees or the cutting of brush that is within 10 feet (305 cm) of electric supply lines and equipment.

"Lines" -

• **"Communication lines"** - The conductors and their supporting or containing structures which are used for public or private signal or communication service, and which operate at potentials not exceeding 400 volts to ground or 750 volts between any two points of the circuit, and the transmitted power of which does not exceed 150 watts. If the lines are operating at less than 150 volts, no limit is placed on the transmitted power of the system. Under certain conditions, communication cables may include communication circuits exceeding these limitations where such circuits are also used to supply power solely to communication equipment.

Note: Telephone, telegraph, railroad signal, data, clock, fire, police alarm, cable television, and other systems conforming with this definition are included. Lines used for signaling purposes, but not included under this definition, are considered as electric supply lines of the same voltage.

• **"Electric supply lines"** - Conductors used to transmit electric energy and their necessary supporting or containing structures. Signal lines of more than 400 volts are always supply lines within this section, and those of less than 400 volts are considered as supply lines, if so run and operated throughout.

"Live-line tools and ropes" - Tools and ropes specifically designed for work on energized high voltage lines and equipment.

"Load-break elbow" - A connector designed to close and interrupt current on energized circuits within the design current and voltage rating.

"Manhole" - A subsurface enclosure which personnel may enter and which is used for the purpose of installing, operating, and maintaining submersible equipment or cable.

"Manhole steps" - A series of steps individually attached to or set into the walls of a manhole structure.

"Minimum approach distance" - The closest distance an employee is permitted to approach an energized or a grounded object.

"Neutral" - A system in which one conductor is used as the neutral for one or more circuits; one conductor may be used as the neutral for both primary and secondary circuits of a distribution system.

"Pole" - Any device used to support a power distribution or transmission line. The pole may be made of any substance including wood, concrete, metal, is usually cylindrical in shape and comparatively slender. It is the upright standard to which is affixed part of the power distribution and transmission line system as defined in this chapter.

"Power dispatcher" (load dispatcher or system operator) - A person who has been designated by the employer as having authority over switching and clearances of high voltage lines and station equipment.

"Protective devices" - Devices such as rubber gloves, rubber blankets, line hose, rubber boots, or other insulating devices, which are specifically designed for the protection of employees.

"Public highway" - Every way, land, road, street, boulevard, and every other way or place in the state open as a matter of right to public vehicular travel, both inside and outside the limits of cities and towns, regardless of ownership.

"Qualified person or qualified employee" - A person who is familiar with the construction of, or operation of such lines and/or equipment that concerns his/her position and who is fully aware of the 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.

Note 1: An employee must have the training required by WAC 296-45-065(1) in order to be considered a qualified employee.

Note 2: (Apprentice) Except under WAC 296-45-25510(12), an employee who is undergoing on-the-job training and who, in the course of such training, has demonstrated an ability to perform duties safely at his or her level of training and who is under the direct supervision of a qualified person is considered to be a qualified person for the performance of those duties.

"Rubber" - Any goods, equipment, or tool made out of either natural or synthetic rubber.

"Secured ladder" - A ladder which is not capable of being dislodged from the top by lateral, or jerking motion(s).

"Sheath" - As applied to tools carried in a lineman's tool belt, a sheath that effectively covers the tool and prevents such tool from falling from the belt.

"Step bolt" - A bolt or rung attached at intervals along a structural member and used for foot placement during climbing or standing.

"Supporting structure" - The main supporting unit (usually a pole or tower).

"Switch" - A device for opening and closing or for changing the connection of a circuit. In these rules, a switch is understood to be manually operable, unless otherwise stated.

"System operator or power dispatcher" - A qualified person who has been designated by the employer and having authority over switching, clearances, and operation of the system and its parts.

"Tag" - A system or method of identifying circuits, systems, or equipment for the purpose of alerting employees and others that the circuit, system, or equipment is being worked on.

"Underground network" - An underground electrical installation fed from multiple primary sources directly associated with area-wide secondary network connected into a common grid.

"Underground residential distribution system" (URD) - An electrical installation normally fed from a single primary source which may feed one or more transformers with secondaries not connected to a common grid.

"Utility" - An organization responsible for the installation, operation, or maintenance of electric supply or communications systems.

"Vault" - An enclosure, above or below ground, which personnel may enter and which is used for the purpose of installing, operating, or maintaining equipment or cable.

"Vented vault" - A vault that has provision for air changes using exhaust flue stacks and low level air intakes operating on differentials of pressure and temperature providing for airflow which precludes a hazardous atmosphere from developing.

"Voltage" - The effective (rms) potential difference between any two conductors or between a conductor and ground. Voltages are expressed in nominal values unless otherwise indicated. The nominal voltage of a system or circuit is the value assigned to a system or circuit of a given voltage class for the purpose of convenient designation. The operating voltage of the system may vary above or below this value.

Note: Low voltage includes voltages from 50 to 600 volts. High voltage shall mean those voltages of 601 volts to 230,000. Extra high voltage means any voltage over 230,000 volts. Where the words "high voltage" are used in this chapter it shall include extra high voltage, unless otherwise specified.

NEW SECTION

WAC 296-45-045 NESC applicable. (1) All electric utilities and entities operating transmission and distribution facilities within the state of Washington must design, construct, operate, and maintain their lines and equipment according to the requirements of the 1997 National Electric Safety Code (NESC) (ANSI-C2), sections (1), (2), and (3).

Note: The department has copies of the NESC available for review at each service location across the state. To purchase a copy, write to:
The Institute of Electrical and Electronics Engineers, Inc.
345 East 47th Street
New York, NY 10017-2394

(2) The employer must ensure that climbing space is provided on all poles and structures. The climbing space must meet the requirements of the 1997 National Electric Safety Code (NESC) (ANSI-C2), except that Rule 236H does not apply.

NEW SECTION

WAC 296-45-055 Employer's responsibility. (1) The employer shall provide and maintain the necessary protective devices specified in these rules and require the employees to use them properly.

(2) The employer shall develop and maintain a hazard communication program as required by Part C, chapter 296-62 WAC, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(3) There shall be installed and maintained in every fixed establishment employing eight or more persons a safety bulletin board of a size to display and post safety bulletins, newsletters, posters, accident statistics and other safety educational material. It is recommended that safety bulletin boards be painted green and white.

(4) The employer shall require the leadworker to observe and enforce all safety rules and shall furnish a copy of the electrical workers' safety rules to each employee who is covered by these rules.

(5) The employer shall appoint only competent workers to supervise other employees and those appointed shall be responsible for the safety of the employees under their supervision.

NEW SECTION

WAC 296-45-065 Training. Employees shall be trained and proficient in the safety-related work practices, safety procedures, and other safety requirements in this section that pertain to their respective job assignments. Employees shall also be trained in and familiar with any other safety practices, including applicable emergency procedures (such as pole top, aerial, manhole, and tree rescue), that are not specifically addressed by this section but that are related to their work and are necessary for their safety.

(1) Qualified employees shall also be trained and competent in:

(a) The skills and techniques necessary to distinguish exposed live parts from other parts of electric equipment;

(b) The skills and techniques necessary to determine the nominal voltage of exposed live parts;

(c) The minimum approach distances specified in this section corresponding to the voltages to which the qualified employee will be exposed; and

(d) The proper use of the special precautionary techniques, personal protective equipment, insulating and

shielding materials, and insulated tools for working on or near exposed energized parts of electric equipment.

Note: For the purposes of this section, a person must have this training in order to be considered a qualified person.

(2) The employer shall determine, through regular supervision and through inspections conducted on at least an annual basis, that each employee is complying with the safety-related work practices required by this section.

(3) An employee shall receive additional training (or retraining) under any of the following conditions:

(a) If the supervision and annual inspections required by subsection (2) of this section indicate that the employee is not complying with the safety-related work practices required by this section; or

(b) If new technology, new types of equipment, or changes in procedures necessitate the use of safety-related work practices that are different from those which the employee would normally use; or

(c) If he or she must employ safety related work practices that are not normally used during his or her regular job duties.

Note: WISHA would consider tasks that are performed less often than once per year to necessitate retraining before the performance of the work practices involved.

(4) The training required by WAC 296-45-065 shall be of the classroom or on-the-job type.

(5) The training shall establish employee proficiency in the work practices required by this section and shall introduce the procedures necessary for compliance with this section.

(6) The employer shall certify that each employee has received the training required by WAC 296-45-065. This certification shall be made when the employee demonstrates proficiency in the work practices involved and shall be maintained for the duration of the employee's employment.

Note: Employment records that indicate that an employee has received the required training are an acceptable means of meeting this requirement.

NEW SECTION

WAC 296-45-075 Employer's safety program. (1) The employer shall hold safety meetings at least once a month, which meetings shall be held at a reasonable time and place as selected by the employer. The employer shall require all employees subject to provisions of this chapter to attend said meetings: *Provided*, That employees whose presence is otherwise required by reason of an emergency or whose function is such that they cannot leave their station or cease their work without serious detriment to the service provided, such as dispatcher, may be excused from such meeting under those circumstances. Minutes shall be kept of each safety meeting and retained for a period of one year.

(2) The employer or a representative(s) designated shall investigate all accidents or injuries of a serious nature and, where possible, take the proper remedial steps to prevent the occurrence of similar accidents.

(3) The employer shall furnish instructions stating the proper procedure in event of an emergency, which shall include the names of those individuals to be notified and methods of contacting them.

PROPOSED

(4) The employer shall provide and make available to all employees accident report and safety suggestion forms or other approved methods. Safety suggestion forms should, where possible, be used for suggesting the elimination of hazardous conditions and such reported suggestions shall be retained (for one year) by the employer or an authorized representative.

(5) The employer must notify the department of employee fatalities or catastrophes according to the requirements of WAC 296-24-020.

(6) Nothing contained within this chapter shall prohibit an employer or an authorized representative from disciplining employees for failure to comply with the provisions of this or any other safety code.

(7) Existing conditions related to the safety of the work to be performed shall be determined before work on or near electric lines or equipment is started. Such conditions include, but are not limited to, the nominal voltages of lines and equipment, the maximum switching transient voltages, the presence of hazardous induced voltages, the presence and condition of protective grounds and equipment grounding conductors, the condition of poles, environmental conditions relative to safety, and the locations of circuits and equipment, including power and communication lines and fire protective signaling circuits.

NEW SECTION

WAC 296-45-085 Leadworker's responsibility. (1) Every leadworker shall understand these and any other applicable safety rules and comply therewith. Leadworkers shall require all employees under their direction or supervision to read this chapter and the provisions contained therein and require every employee subject to this chapter to be able to apply this chapter and any provision of this chapter on a day-to-day basis.

(2) Leadworkers shall inform employees under their supervision or direction of the type and voltage of circuits on or near which the employees are to work.

(3) Leadworkers shall require all employees under their supervision to properly use safety devices and equipment, including barricades, warning flags or signs, or any other device called for to protect employees.

NEW SECTION

WAC 296-45-095 Leadworker-employee responsibility. (1) An employee shall protect his/her climbing and working space at all times if the conductors are so spaced that in climbing or working he/she will be, or where it is possible to come within, the minimum required distances specified in these rules.

(2) Leadworkers or supervisors shall in good faith consider verbal or written reports of hazardous conditions and shall, as soon as practicable, investigate and remedy same if warranted.

(3) When hazards are reported by employees, leadworkers and others having authority shall accept the report in a cooperative manner, and in no case shall an employee be reprimanded or penalized for reporting hazards or potential hazards.

(4) Leadworkers shall require all employees under their supervision to keep their belts, spurs, and straps in good

working condition. When straps and belts are in poor condition or defective, they shall not be used.

(5) Before leaving a jobsite, leadworkers shall correct or arrange to give warning of any condition which might result in injury to employees.

(6) No employee shall be permitted or allowed to remain on the jobsite when under the influence of any intoxicating beverage or controlled substance or substances: *Provided*, That if an employee is taking prescription medication under the direction of a practicing physician and such prescription does not interfere with the safe performance of the work assigned, such employee may be permitted to work.

(7) No intoxicating beverages or controlled substances shall be consumed on the jobsite other than prescription medication as set forth above.

NEW SECTION

WAC 296-45-105 Work required of leadworkers.

(1) A leadworker cannot properly supervise the work and look out for the safety of employees under their direction if required to work as a leadworker and a lineworker at the same time.

(2) Leadworkers should be constantly alert and shall not be required to serve in such dual capacity, except in crews of not more than two lineworkers, in which case they may work as one of the lineworkers.

(3) In crews of two lineworkers or less, each lineworker may have a groundworker but, if additional lineworkers or groundworkers are added to the crew, the leadworker shall confine his/her activities to supervising the work, as exhibited below:

Type of Crew	Minimum Requirements
2 lineworkers	One lineworker as person-in-charge.
2 lineworkers plus 1 groundworker	One lineworker as person-in-charge or climbing leadworker.
2 lineworkers plus 2 groundworkers	One lineworker as person-in-charge or climbing leadworker.
2 lineworkers plus any combination of 3 lineworkers or groundworkers	One nonclimbing leadworker.

NEW SECTION

WAC 296-45-115 Employee's responsibility. (1) Employees shall not engage in horseplay or scuffling while on the job or jobsite and the employer shall not permit horseplay or scuffling while on the jobsite or otherwise in the course of employment.

(2) During such time as any employee is working on or near any energized line or energized equipment in excess of 600 volts there shall be no talking or communication other than that which is absolutely necessary and essential for the safe and proper performance of the work. Should there be communication or talk from a person other than an employee, the work shall stop until such time as the distraction ceases.

(3) Employees shall report any hazardous or potentially hazardous condition, operation, means, or work in a constructive manner and shall not engage in personality conflicts.

(4) Neither the employer nor the employees shall throw or permit anything to be thrown from elevated position(s) or poles to the ground or lower level, nor shall anything be thrown from the ground or lower level to an elevated position, whether that elevated position is on a pole, aerial manlift or otherwise. Tools and loose materials shall not be left on poles, crossarms, ladders or other elevated structures or positions.

(5) Employees shall report all injuries, regardless of severity, to the employer or designated representative. Report forms furnished by the employer should be used.

NEW SECTION

WAC 296-45-125 Medical services and first aid.

The employer shall provide medical services and first aid as required in chapter 296-24 WAC. In addition to the requirements of chapter 296-24 WAC, the following requirements also apply:

(1) Cardiopulmonary resuscitation and first-aid training. When employees are performing work on or associated with exposed lines or equipment energized at 50 volts or more, persons trained in first aid including cardiopulmonary resuscitation (CPR) shall be available as follows:

(a) For field work involving two or more employees at a work location, at least two trained persons shall be available. However, only one trained person need be available if all new employees are trained in first aid, including CPR, within 3 months of their hiring dates.

(b) For fixed work locations such as generating stations, the number of trained persons available shall be sufficient to ensure that each employee exposed to electric shock can be reached within 4 minutes by a trained person. However, where the existing number of employees is insufficient to meet this requirement (at a remote substation, for example), all employees at the work location shall be trained.

(2) First-aid supplies. First-aid supplies required by chapter 296-24 WAC shall be placed in weatherproof containers if the supplies could be exposed to the weather.

(3) First-aid kits. Each first-aid kit shall be maintained, shall be readily available for use, and shall be inspected frequently enough to ensure that expended items are replaced but at least once per year.

NEW SECTION

WAC 296-45-135 Job briefing. The employer shall ensure that the leadworker conducts a job briefing with the employees involved before they start each job. The briefing shall cover at least the following subjects: Hazards associated with the job, work procedures involved, special precautions, energy source controls, and personal protective equipment requirements.

(1) Number of briefings. If the work or operations to be performed during the work day or shift are repetitive and similar, at least one job briefing shall be conducted before the start of the first job of each day or shift. Additional job briefings shall be held if significant changes, which might

affect the safety of the employees, occur during the course of the work.

(2) Extent of briefing. A brief discussion is satisfactory if the work involved is routine and if the employee, by virtue of training and experience, can reasonably be expected to recognize and avoid the hazards involved in the job. A more extensive discussion shall be conducted:

(a) If the work is complicated or particularly hazardous; or

(b) If the employee cannot be expected to recognize and avoid the hazards involved in the job.

Note: The briefing is always required to touch on all the subjects listed in the introductory text to this section.

(3) Working alone. An employee working alone need not conduct a job briefing. However, the employer shall ensure that the tasks to be performed are planned as if a briefing were required.

NEW SECTION

WAC 296-45-175 Hazardous energy control (lockout/tagout) procedures. The provisions of this section apply to the use of lockout/tagout procedures for the control of energy sources in installations for the purpose of electric power generation, including related equipment for communication or metering. Locking and tagging procedures for the de-energizing of electric energy sources which are used exclusively for purposes of transmission and distribution are addressed by WAC 296-45-335.

Note 1: Installations in electric power generation facilities that are not an integral part of, or inextricably commingled with, power generation processes or equipment are covered under chapter 296-24 WAC.

Note 2: Lockout and tagging procedures that comply with chapter 296-24 WAC will also be deemed to comply with this section if the procedures address the hazards covered by this section.

NEW SECTION

WAC 296-45-17505 Lockout/tagout (hazardous control) program. (1) The employer shall establish a program consisting of energy control procedures, employee training, and periodic inspections to ensure that, before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing, start up, or release of stored energy could occur and cause injury, the machine or equipment is isolated from the energy source and rendered inoperative.

(2) The employer's energy control program under this section shall meet the following requirements:

(a) If an energy isolating device is not capable of being locked out, the employer's program shall use a tagout system.

(b) If an energy isolating device is capable of being locked out, the employer's program shall use lockout, unless the employer can demonstrate that the use of a tagout system will provide full employee protection as follows:

(i) When a tagout device is used on an energy isolating device which is capable of being locked out, the tagout device shall be attached at the same location that the lockout device would have been attached, and the employer shall demonstrate that the tagout program will provide a level of

safety equivalent to that obtained by the use of a lockout program.

(ii) In demonstrating that a level of safety is achieved in the tagout program equivalent to the level of safety obtained by the use of a lockout program, the employer shall demonstrate full compliance with all tagout-related provisions of this standard together with such additional elements as are necessary to provide the equivalent safety available from the use of a lockout device. Additional means to be considered as part of the demonstration of full employee protection shall include the implementation of additional safety measures such as the removal of an isolating circuit element, blocking of a controlling switch, opening of an extra disconnecting device, or the removal of a valve handle to reduce the likelihood of inadvertent energizing.

(3) Whenever replacement or major repair, renovation, or modification of a machine or equipment is performed, and whenever new machines or equipment are installed, energy isolating devices for such machines or equipment shall be designed to accept a lockout device.

(4) Procedures shall be developed, documented, and used for the control of potentially hazardous energy covered by this section.

(5) The procedure shall clearly and specifically outline the scope, purpose, responsibility, authorization, rules, and techniques to be applied to the control of hazardous energy, and the measures to enforce compliance including, but not limited to, the following:

(a) A specific statement of the intended use of this procedure;

(b) Specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy;

(c) Specific procedural steps for the placement, removal, and transfer of lockout devices or tagout devices and the responsibility for them; and

(d) Specific requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

(6) The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the provisions of this section are being followed.

(a) The periodic inspection shall be performed by an authorized employee who is not using the energy control procedure being inspected.

(b) The periodic inspection shall be designed to identify and correct any deviations or inadequacies.

(c) If lockout is used for energy control, the periodic inspection shall include a review, between the inspector and each authorized employee, of that employee's responsibilities under the energy control procedure being inspected.

(d) Where tagout is used for energy control, the periodic inspection shall include a review, between the inspector and each authorized and affected employee, of that employee's responsibilities under the energy control procedure being inspected, and the elements set forth in this section.

(e) The employer shall certify that the inspections required by this section have been accomplished. The certification shall identify the machine or equipment on which the energy control procedure was being used, the date

of the inspection, the employees included in the inspection, and the person performing the inspection.

Note: If normal work schedule and operation records demonstrate adequate inspection activity and contain the required information, no additional certification is required.

(7) The employer shall provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of energy controls are acquired by employees. The training shall include the following:

(a) Each authorized employee shall receive training in the recognition of applicable hazardous energy sources, the type and magnitude of energy available in the workplace, and in the methods and means necessary for energy isolation and control.

(b) Each affected employee shall be instructed in the purpose and use of the energy control procedure.

(c) All other employees whose work operations are or may be in an area where energy control procedures may be used shall be instructed about the procedures and about the prohibition relating to attempts to restart or reenergize machines or equipment that are locked out or tagged out.

(8) When tagout systems are used, employees shall also be trained in the following limitations of tags:

(a) Tags are essentially warning devices affixed to energy isolating devices and do not provide the physical restraint on those devices that is provided by a lock.

(b) When a tag is attached to an energy isolating means, it is not to be removed without authorization of the authorized person responsible for it, and it is never to be bypassed, ignored, or otherwise defeated.

(c) Tags must be legible and understandable by all authorized employees, affected employees, and all other employees whose work operations are or may be in the area, in order to be effective.

(d) Tags and their means of attachment must be made of materials which will withstand the environmental conditions encountered in the workplace.

(e) Tags may evoke a false sense of security, and their meaning needs to be understood as part of the overall energy control program.

(f) Tags must be securely attached to energy isolating devices so that they cannot be inadvertently or accidentally detached during use.

NEW SECTION

WAC 296-45-17510 Retraining. (1) Retraining shall be provided for all authorized and affected employees whenever there is a change in their job assignments, a change in machines, equipment, or processes that present a new hazard or whenever there is a change in the energy control procedures.

(2) Retraining shall also be conducted whenever a periodic inspection reveals, or whenever the employer has reason to believe, that there are deviations from or inadequacies in an employee's knowledge or use of the energy control procedures.

(3) The retraining shall reestablish employee proficiency and shall introduce new or revised control methods and procedures, as necessary.

PROPOSED

(4) The employer shall certify that employee training has been accomplished and is being kept up to date. The certification shall contain each employee's name and dates of training.

NEW SECTION

WAC 296-45-17515 Protective materials and hardware. (1) Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware shall be provided by the employer for isolating, securing, or blocking of machines or equipment from energy sources.

(2) Lockout devices and tagout devices shall be singularly identified; shall be the only devices used for controlling energy; may not be used for other purposes; and shall meet the following requirements:

(a) Lockout devices and tagout devices shall be capable of withstanding the environment to which they are exposed for the maximum period of time that exposure is expected.

(b) Tagout devices shall be constructed and printed so that exposure to weather conditions or wet and damp locations will not cause the tag to deteriorate or the message on the tag to become illegible.

(c) Tagout devices shall be so constructed as not to deteriorate when used in corrosive environments.

(3) Lockout devices and tagout devices shall be standardized within the facility in at least one of the following criteria: Color, shape, size. Additionally, in the case of tagout devices, print and format shall be standardized.

(4) Lockout devices shall be substantial enough to prevent removal without the use of excessive force or unusual techniques, such as with the use of bolt cutters or metal cutting tools.

(5) Tagout devices, including their means of attachment, shall be substantial enough to prevent inadvertent or accidental removal. Tagout device attachment means shall be of a nonreusable type, attachable by hand, self-locking, and nonreleasable with a minimum unlocking strength of no less than fifty pounds and shall have the general design and basic characteristics of being at least equivalent to a one-piece, all-environment-tolerant nylon cable tie.

(6) Each lockout device or tagout device shall include provisions for the identification of the employee applying the device.

(7) Tagout devices shall warn against hazardous conditions if the machine or equipment is energized and shall include a legend such as the following: Do Not Start, Do Not Open, Do Not Close, Do Not Energize, Do Not Operate.

Note: For specific provisions covering accident prevention tags, see chapter 296-24 WAC.

NEW SECTION

WAC 296-45-17520 Energy isolation. Lockout and tagout device application and removal may only be performed by the authorized employees who are performing the servicing or maintenance.

NEW SECTION

WAC 296-45-17525 Notification. Affected employees shall be notified by the employer or authorized employee of the application and removal of lockout or tagout devices. Notification shall be given before the controls are applied and after they are removed from the machine or equipment.

Note: This section requires that the second notification take place before the machine or equipment is reenergized.

NEW SECTION

WAC 296-45-17530 Lockout/tagout application. The established procedures for the application of energy control (the lockout or tagout procedures) shall include the following elements and actions, and these procedures shall be performed in the following sequence:

(1) Before an authorized or affected employee turns off a machine or equipment, the authorized employee shall have knowledge of the type and magnitude of the energy, the hazards of the energy to be controlled, and the method or means to control the energy.

(2) The machine or equipment shall be turned off or shut down using the procedures established for the machine or equipment. An orderly shutdown shall be used to avoid any additional or increased hazards to employees as a result of the equipment stoppage.

(3) All energy isolating devices that are needed to control the energy to the machine or equipment shall be physically located and operated in such a manner as to isolate the machine or equipment from energy sources.

(4) Lockout or tagout devices shall be affixed to each energy isolating device by authorized employees.

(a) Lockout devices shall be attached in a manner that will hold the energy isolating devices in a "safe" or "off" position.

(b) Tagout devices shall be affixed in such a manner as will clearly indicate that the operation or movement of energy isolating devices from the "safe" or "off" position is prohibited.

(5) Where tagout devices are used with energy isolating devices designed with the capability of being locked out, the tag attachment shall be fastened at the same point at which the lock would have been attached.

(6) Where a tag cannot be affixed directly to the energy isolating device, the tag shall be located as close as safely possible to the device, in a position that will be immediately obvious to anyone attempting to operate the device.

NEW SECTION

WAC 296-45-17535 Releasing stored energy. Following the application of lockout or tagout devices to energy isolating devices, all potentially hazardous stored or residual energy shall be relieved, disconnected, restrained, or otherwise rendered safe.

(1) If there is a possibility of reaccumulation of stored energy to a hazardous level, verification of isolation shall be continued until the servicing or maintenance is completed or until the possibility of such accumulation no longer exists.

(2) Before starting work on machines or equipment that have been locked out or tagged out, the authorized employee shall verify that isolation and de-energizing of the machine

or equipment have been accomplished. If normally energized parts will be exposed to contact by an employee while the machine or equipment is de-energized, a test shall be performed to ensure that these parts are de-energized.

NEW SECTION

WAC 296-45-17540 Release from lockout/tagout.

Before lockout or tagout devices are removed and energy is restored to the machine or equipment, procedures shall be followed and actions taken by the authorized employees to ensure the following:

(1) The work area shall be inspected to ensure that nonessential items have been removed and that machine or equipment components are operationally intact.

(2) The work area shall be checked to ensure that all employees have been safely positioned or removed.

(3) After lockout or tagout devices have been removed and before a machine or equipment is started, affected employees shall be notified that the lockout or tagout devices have been removed.

(4) Each lockout or tagout device shall be removed from each energy isolating device by the authorized employee who applied the lockout or tagout device. However, if that employee is not available to remove it, the device may be removed under the direction of the employer, provided that specific procedures and training for such removal have been developed, documented, and incorporated into the employer's energy control program. The employer shall demonstrate that the specific procedure provides a degree of safety equivalent to that provided by the removal of the device by the authorized employee who applied it. The specific procedure shall include at least the following elements:

(a) Verification by the employer that the authorized employee who applied the device is not at the facility;

(b) Making all reasonable efforts to contact the authorized employee to inform him or her that his or her lockout or tagout device has been removed; and

(c) Ensuring that the authorized employee has this knowledge before he or she resumes work at that facility.

NEW SECTION

WAC 296-45-17545 Temporary removal of lockout/tagout. If the lockout or tagout devices must be temporarily removed from energy isolating devices and the machine or equipment must be energized to test or position the machine, equipment, or component thereof, the following sequence of actions shall be followed:

(1) Clear the machine or equipment of tools and materials in accordance with this section;

(2) Remove employees from the machine or equipment area in accordance with this section;

(3) Remove the lockout or tagout devices as specified in this section;

(4) Energize and proceed with the testing or positioning; and

(5) De-energize all systems and reapply energy control measures in accordance with this section to continue the servicing or maintenance.

NEW SECTION

WAC 296-45-17550 Servicing contractors. When servicing or maintenance is performed by a crew, craft, department, or other group, they shall use a procedure which affords the employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device. Group lockout or tagout devices shall be used in accordance with the procedures required by the following specific requirements:

(1) Primary responsibility shall be vested in an authorized employee for a set number of employees working under the protection of a group lockout or tagout device (such as an operations lock);

(2) Provision shall be made for the authorized employee to ascertain the exposure status of all individual group members with regard to the lockout or tagout of the machine or equipment;

(3) When more than one crew, craft, department, or other group is involved, assignment of overall job-associated lockout or tagout control responsibility shall be given to an authorized employee designated to coordinate affected work forces and ensure continuity of protection; and

(4) Each authorized employee shall affix a personal lockout or tagout device to the group lockout device, group lockbox, or comparable mechanism when he or she begins work and shall remove those devices when he or she stops working on the machine or equipment being serviced or maintained.

NEW SECTION

WAC 296-45-17555 Shift changes. Procedures shall be used during shift or personnel changes to ensure the continuity of lockout or tagout protection, including provision for the orderly transfer of lockout or tagout device protection between off-going and on-coming employees, to minimize their exposure to hazards from the unexpected energizing or start-up of the machine or equipment or from the release of stored energy.

NEW SECTION

WAC 296-45-17560 Outside servicing personnel. Whenever outside servicing personnel are to be engaged in activities covered by this section, the on-site employer and the outside employer shall inform each other of their respective lockout or tagout procedures, and each employer shall ensure that his or her personnel understand and comply with restrictions and prohibitions of the energy control procedures being used.

NEW SECTION

WAC 296-45-17565 Central system operator. If energy isolating devices are installed in a central location under the exclusive control of a system operator, the following requirements apply:

(1) The employer shall use a procedure that affords employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device.

(2) The system operator shall place and remove lockout and tagout devices in place of the authorized employee.

(3) Provisions shall be made to identify the authorized employee who is responsible for (that is, being protected by) the lockout or tagout device, to transfer responsibility for lockout and tagout devices, and to ensure that an authorized employee requesting removal or transfer of a lockout or tagout device is the one responsible for it before the device is removed or transferred.

NEW SECTION

WAC 296-45-195 Trenching and excavation. (1) During excavation or trenching, in order to prevent exposure of employees to the hazards created by damage to dangerous underground facilities, efforts shall be made to determine the location of such facilities and work conducted in a manner designed to avoid damage.

(2) Trenching and excavation operations shall comply with the provisions of Part N, chapter 296-155 WAC.

NEW SECTION

WAC 296-45-205 Enclosed spaces. This section covers enclosed spaces that may be entered by employees. It does not apply to vented vaults if a determination is made that the ventilation system is operating to protect employees before they enter the space. This paragraph applies to routine entry into enclosed spaces in lieu of the permit-space entry requirements contained in WAC 296-62-145. If, after the precautions given in WAC 296-45-205, 296-45-215, and 296-45-225 are taken, the hazards remaining in the enclosed space endanger the life of an entrant or could interfere with escape from the space, then entry into the enclosed space shall meet the permit-space entry requirements of WAC 296-62-145.

Note: Entries into enclosed spaces conducted in accordance with the permit-space entry requirements of WAC 296-62-145 are considered as complying with this section.

(1) "Safe work practices." The employer shall ensure the use of safe work practices for entry into and work in enclosed spaces and for rescue of employees from such spaces.

(2) "Training." Employees who enter enclosed spaces or who serve as attendants shall be trained in the hazards of enclosed space entry, in enclosed space entry procedures, and in enclosed space rescue procedures.

(3) "Rescue equipment." Employers shall provide equipment to ensure the prompt and safe rescue of employees from the enclosed space.

(4) "Evaluation of potential hazards." Before any entrance cover to an enclosed space is removed, the employer shall determine whether it is safe to do so by checking for the presence of any atmospheric pressure or temperature differences and by evaluating whether there might be a hazardous atmosphere in the space. Any conditions making it unsafe to remove the cover shall be eliminated before the cover is removed.

Note: The evaluation called for in this subsection may take the form of a check of the conditions expected to be in the enclosed space. For example, the cover could be checked to see if it is hot and, if it is fastened in place, could be loosened gradually to release any residual pressure. A determination must also be made of whether conditions at the site could cause a hazardous

atmosphere, such as an oxygen deficient or flammable atmosphere, to develop within the space.

(5) "Removal of covers." When covers are removed from enclosed spaces, the opening shall be promptly guarded by a railing, temporary cover, or other barrier intended to prevent an accidental fall through the opening and to protect employees working in the space from objects entering the space.

(6) "Hazardous atmosphere." Employees may not enter any enclosed space while it contains a hazardous atmosphere, unless the entry conforms to the generic permit-required confined spaces standard in WAC 296-62-145 through 296-62-14543.

Note: The term "entry" is defined in WAC 296-62-14501.

(7) "Attendants." While work is being performed in the enclosed space, a person with first-aid training meeting WAC 296-45-125 shall be immediately available outside the enclosed space to render emergency assistance if there is reason to believe that a hazard may exist in the space or if a hazard exists because of traffic patterns in the area of the opening used for entry. That person is not precluded from performing other duties outside the enclosed space if these duties do not distract the attendant from monitoring employees within the space.

Note: See WAC 296-45-215(12) for additional requirements on attendants for work in manholes.

(8) "Calibration of test instruments." Test instruments used to monitor atmospheres in enclosed spaces shall be kept in calibration, with a minimum accuracy of + or - 10 percent.

(9) "Testing for oxygen deficiency." Before an employee enters an enclosed space, the internal atmosphere shall be tested for oxygen deficiency with a direct-reading meter or similar instrument, capable of collection and immediate analysis of data samples without the need for off-site evaluation. If continuous forced air ventilation is provided, testing is not required provided that the procedures used ensure that employees are not exposed to the hazards posed by oxygen deficiency.

(10) "Testing for flammable gases and vapors." Before an employee enters an enclosed space, the internal atmosphere shall be tested for flammable gases and vapors with a direct-reading meter or similar instrument capable of collection and immediate analysis of data samples without the need for off-site evaluation. This test shall be performed after the oxygen testing and ventilation required by subsection (9) of this section demonstrate that there is sufficient oxygen to ensure the accuracy of the test for flammability.

(11) "Ventilation and monitoring." If flammable gases or vapors are detected or if an oxygen deficiency is found, forced air ventilation shall be used to maintain oxygen at a safe level and to prevent a hazardous concentration of flammable gases and vapors from accumulating. A continuous monitoring program to ensure that no increase in flammable gas or vapor concentration occurs may be followed in lieu of ventilation, if flammable gases or vapors are detected at safe levels.

Note: See the definition of hazardous atmosphere for guidance in determining whether or not a given concentration of a substance is considered to be hazardous.

(12) "Specific ventilation requirements." If continuous forced air ventilation is used, it shall begin before entry is made and shall be maintained long enough to ensure that a safe atmosphere exists before employees are allowed to enter the work area. The forced air ventilation shall be so directed as to ventilate the immediate area where employees are present within the enclosed space and shall continue until all employees leave the enclosed space.

(13) "Air supply." The air supply for the continuous forced air ventilation shall be from a clean source and may not increase the hazards in the enclosed space.

(14) "Open flames." If open flames are used in enclosed spaces, a test for flammable gases and vapors shall be made immediately before the open flame device is used and at least once per hour while the device is used in the space. Testing shall be conducted more frequently if conditions present in the enclosed space indicate that once per hour is insufficient to detect hazardous accumulations of flammable gases or vapors.

Note: See the definition of hazardous atmosphere for guidance in determining whether or not a given concentration of a substance is considered to be hazardous.

NEW SECTION

WAC 296-45-215 Underground electrical installations. This section provides additional requirements for work on underground electrical installations.

(1) Protective barriers, or approved guards and warning signs must be erected before removing manhole covers or making excavations in places accessible to vehicular or pedestrian traffic.

(2) Whenever an opening is made in the street, it shall be properly guarded or covered until same is closed and whenever an obstruction is left in the roadway after dark, it shall be marked with approved lights, flares or similar devices.

(3) Access. A ladder or other climbing device shall be used to enter and exit a manhole or subsurface vault exceeding 4 feet (122 cm) in depth. No employee may climb into or out of a manhole or vault by stepping on cables or hangers.

(4) When work is to be performed in a manhole or unvented vault:

(a) No entry shall be permitted unless forced ventilation is provided or the atmosphere is found to be safe by testing for oxygen deficiency and the presence of explosive or potentially hazardous gases or fumes.

(b) When unsafe conditions are detected, by testing or other means, the work area shall be ventilated and otherwise made safe before entry.

(c) Provisions shall be made for a continuous supply of air as provided for in Part L, chapter 296-62 WAC.

(d) When forced ventilation is not used a method of monitoring said manhole or vault so as to prevent the occurrence of oxygen deficiency due to work being performed in said manhole or vault, and to detect the presence of any explosive gases or fumes which may occur while the employees are working in said manhole or vault.

(5) When open flames are used or smoking is permitted in manholes, adequate mechanical forced air ventilation shall be used.

(6) Before using open flames in a manhole or excavation in an area where combustible gases or liquids may be present, such as near a gasoline service station, the atmosphere of the manhole or excavation shall be tested and found safe or cleared of the combustible gases or liquids prior to the entry.

(7) When work is to be performed in manholes containing any wires or appliances carrying electrical current, they shall be in a sanitary condition.

(8) Care shall be taken to prevent the possibility of vehicles or pedestrians coming in contact with the wires and equipment.

(9) Lowering equipment into manholes. Equipment used to lower materials and tools into manholes or vaults shall be capable of supporting the weight to be lowered and shall be checked for defects before use. Before tools or materials are lowered into the opening for a manhole or vault, each employee working in the manhole or vault shall be clear of the area directly under the opening.

(10) Materials shall not be thrown into or out of manholes but shall be placed in the proper receptacle and hoisted in and out by means of a rope.

(11) Tools and materials shall not be left on the ground around or near the manhole opening where they might be pushed or otherwise fall into the hole.

(12) Attendants for manholes.

(a) An attendant shall be kept at the surface when there is any hazard to the employees in the manhole and the attendant should not leave the manhole unwatched until such time as all employees are out and the cover has been replaced.

(b) While work is being performed in a manhole containing energized electric equipment, an employee with first aid and CPR training meeting WAC 296-45-125(1) shall be available on the surface in the immediate vicinity to render emergency assistance.

Note 1: An attendant may also be required under WAC 296-45-205(7). One person may serve to fulfill both requirements. However, attendants required under WAC 296-45-205(7) are not permitted to enter the manhole.

Note 2: Employees entering manholes containing unguarded, uninsulated energized lines or parts of electric equipment operating at 50 volts or more are required to be qualified under WAC 296-45-325(1) through (4).

(c) No work shall be permitted to be done in any manhole or subway on any energized wire, cable or appliance carrying more than 300 volts of electricity by less than two qualified persons who shall at all times, while performing such work, be in the same manhole or subway in which work is being done. This rule shall not apply to work on telephone, telegraph or signal wires or cables.

(d) For the purpose of inspection, housekeeping, taking readings, or similar work, an employee working alone may enter, for brief periods of time, a manhole where energized cables or equipment are in service, if the employer can demonstrate that the employee will be protected from all electrical hazards.

(e) Reliable communications, through two-way radios or other equivalent means, shall be maintained among all employees involved in the job.

(13) Cable in manholes or underground vaults shall be accessible to employees and a clear working space shall be

maintained at all times; and/or approved protective guards, barriers, etc., when installed shall be considered as providing adequate working clearance for cables over 5 k.v. If a manhole and/or underground vault is determined to have an electrical or structural hazard, no work shall be done in the manhole and/or vault until the unsafe condition is corrected or de-energized.

(14) No work shall be performed on cables or equipment unless they have been properly identified by an approved method.

(15) Duct rods. If duct rods are used, they shall be installed in the direction presenting the least hazard to employees. An employee shall be stationed at the far end of the duct line being rodged to ensure that the required minimum approach distances are maintained.

(16) Multiple cables. When multiple cables are present in a work area, the cable to be worked shall be identified by electrical means, unless its identity is obvious by reason of distinctive appearance or location or by other readily apparent means of identification. Cables other than the one being worked shall be protected from damage.

(17) Before cutting into a high voltage cable or opening a high voltage splice, the cable shall be de-energized then clearance obtained, tested and then grounded in an approved manner. The cable to be worked on shall be identified by tags or equivalent means.

(18) Moving cables. Energized cables that are to be moved shall be inspected for defects.

(19) Insulated platforms or other protective devices shall be provided when work is to be done on energized wires or equipment in manholes.

(20) Furnaces shall always be placed in a secure, level position on the downhill side of the manhole to avoid spillage of hot metals or compounds into the manhole.

(21) Pulling underground cable. When pulling cable(s) all employees shall be made aware of the hazard of being caught in the sheaves, lashings or winch gears. All employees shall stand clear of the pulling line when the pull is begun or when the line is under tension. This rule applies to all work performed by means of a winch.

(22) Fishing conduit or ducts. When fishing conduit or ducts, it shall first be determined that the fish tape or wires will not contact any energized line or equipment.

(23) WAC 296-45-65023 on clearances and WAC 296-45-65026 on grounding shall be complied with.

(24) Defective cables. Where a cable in a manhole has one or more abnormalities that could lead to or be an indication of an impending fault, the defective cable shall be de-energized before any employee may work in the manhole, except when service load conditions and a lack of feasible alternatives require that the cable remain energized. In that case, employees may enter the manhole provided they are protected from the possible effects of a failure by shields or other devices that are capable of containing the adverse effects of a fault in the joint.

Note: Abnormalities such as oil or compound leaking from cables or joints, broken cable sheaths or joint sleeves, hot localized surface temperatures of cables or joints, or joints that are swollen beyond normal tolerance are presumed to lead to or be an indication of an impending fault.

(25) Sheath continuity. When work is performed on buried cable or on cable in manholes, metallic sheath

continuity shall be maintained by bonding across the opening (or by equivalent means), or the cable sheath shall be treated as energized.

NEW SECTION

WAC 296-45-225 Underground residential distribution (URD). (1) General.

(a) Each employee shall be knowledgeable of the equipment provided for their use and shall at all times use this equipment only for the purpose intended.

(b) U.R.D. cables which are properly insulated for the voltages to which they are energized shall be considered as an effective barrier to protect the employees and table one need not apply.

(i) Workers will take adequate precautions to avoid physical contact with energized U.R.D. cable by using approved procedures and/or protective devices.

(ii) When handling energized U.R.D. primary cables, the work shall be done with approved tools and/or procedures by two qualified employees. Switching is exempt from this rule.

(iii) When energized terminators or load-break elbows are handled by a hot stick, there shall be two qualified employees at the scene.

(c) When energized pad-mounted transformers or similar equipment are to be left unlocked and open, they shall be attended by a qualified employee.

(d) Approved tools and procedures shall be used to remove any debris, vines, weeds, etc., from an underground system.

(e) A primary and secondary system neutral on any energized circuit shall not be opened under any circumstances except for testing.

(f) Primary and secondary neutrals shall be firmly connected and grounded before the circuit or equipment is energized.

(g) Where different phases are in the same vault, enclosures, or parked in some manner that they could be looped, these phases shall be marked or identified.

(h) Bayonet fuses:

(i) Bayonet fuses shall not be closed into suspected faults or overloads.

(ii) Submersible U.G. transformer installations will require other methods of energizing or de-energizing and bayonet fuses shall not be used for this purpose.

(iii) Bayonet fuses shall only be operated after pad-mount transformers have been properly vented.

(iv) Bayonet fuses shall only be operated in accordance with manufacturing design and rating capabilities.

(2) Working on cables.

(a) Before any work is to be performed on underground cables and apparatus carrying high voltage, they shall be de-energized with the following exceptions:

(i) Replacing fuses, operating switches, closing or opening load-break elbows, when approved protective devices are used.

(ii) Work in the high-voltage compartment of pad-mounted transformers and similar equipment installed above ground, provided the work is done by approved methods.

(b) Only one energized conductor shall be worked on at any one time, and protective means shall be used to insulate or isolate it from all others.

(c) When work is to be performed in manholes containing any wires or appliances carrying electrical current, they shall be in a sanitary condition.

NEW SECTION

WAC 296-45-255 Protective equipment. (1) Rubber protective equipment shall be in accordance and tested as follows:

Item	Standard
Rubber Insulating Gloves	(ASTM) D 120-87
Rubber Matting for Use Around Electrical Apparatus	(ASTM) D 178-88
Rubber Insulating Blankets	(ASTM) D 1046-88a
Rubber Insulating Hoods	(ASTM) D 1049-88
Rubber Insulating Line Hose	(ASTM) D 1050-90
Rubber Insulating Sleeves	(ASTM) D 1051-87

(2) No protective equipment or material other than rubber shall be used: *Provided*, That such other nonconductive equipment may be used if it provides equal or better (dielectric) electrical and mechanical protection than rubber protective equipment: *Provided*, That the employer obtain before placing in service, manufacturer's data or other data to demonstrate that such nonrubber protective equipment provided equal or better electrical and mechanical protection than approved rubber equipment.

(3) Protective equipment shall not be used at voltages in excess of that for which the manufacturer has supplied data to the employer demonstrating that it is fit for such voltages.

(4) No protective equipment shall be modified, altered, or used for purposes other than those for which it is designed unless and until the manufacturer has, in writing, agreed or suggested that there be such modification, alteration, or use.

(5) Each rubber glove before it is used shall be inspected for defects and an approved air test performed. If, upon inspection, rubber gloves are either defective or appear to be defective, they shall not be used.

(6) Before being placed in service, all rubber protective equipment shall be numbered and records kept for test purposes and assignment.

(7) Rubber protective equipment shall not be used unless it has been dielectrically tested within six months and bears marking or identification of the date of the test or the expiration date.

(8) Protector gloves must be worn over insulating gloves.

Exception: Protector gloves need not be used with Class 0 gloves, under limited-use conditions, where small equipment and parts manipulation necessitate unusually high finger dexterity.

Note: Extra care is needed in the visual examination of the glove and in the avoidance of handling sharp objects.

(9) Rubber gloves when not in use shall be carried in an approved bag provided and designed for that purpose. It shall be provided by the employer and made available to the employees.

(10) Approved rubber gloves and carrying bag shall be assigned to each employee who works with, or is exposed to energized parts.

(11) Rubber protective equipment shall not be vulcanized or patched.

(12) A compartment or box shall be provided on each electric line truck, which box or compartment shall be used for storing rubber protective equipment. No equipment shall be stored in said compartment or box which can or could cause damage to the rubber equipment or goods placed in the compartment or box. Additionally, a separate container or compartment shall be provided for rubber blankets.

(13) Line hose shall not be doubled on themselves at any time. All blankets before storage must be wiped clean and rolled, not folded, before being placed in the container or box.

(14) Protective line equipment of material other than rubber shall be kept clean and visually inspected before each use.

(15) If protective line equipment of material other than rubber is found to be substantially defective or unsuitable for the purpose for which it is designed and intended, said protective line equipment shall not be used for personal protection of employees as may be required in Table 1 of this chapter. Said protective line equipment shall be marked defective but may be otherwise used unless the defect or damage to said protective line equipment creates additional safety hazards.

NEW SECTION

WAC 296-45-25505 Personal protective equipment.

(1) General. Personal protective equipment shall meet the requirements of chapter 296-24 WAC, Part A-2.

(2) All protective hats shall be in accordance with the specifications of ANSI Z89.2-1971 Edition Industrial Protective Helmets for Electrical Workers, Class B, and shall be worn at the jobsite by employees who are exposed to overhead or electrical hazards.

(3) Wearing apparel. Goggles, hearing protection, respirators, rubber gloves, and other such personal protective devices shall not be interchanged among employees unless they have been sanitized.

NEW SECTION

WAC 296-45-25510 Fall protection. (1) Personal fall arrest equipment shall meet the requirements of WAC 296-155-24505.

(2) Body belts and safety straps for work positioning shall meet the requirements of WAC 296-155-245.

(3) Body belts, safety straps, lanyards, lifelines, and body harnesses shall be inspected before use each day to determine that the equipment is in safe working condition. Defective equipment may not be used.

(4) Employees shall not wear climbers while doing work where they are not required. Employees shall not continue to wear their climbers while working on the ground; except for momentary or short periods of time on the ground.

(5) Employees, when working from a hook ladder, must either belt themselves securely to the ladder, attach themselves to the structures by means of a safety line, or belt themselves to ladder safety equipment, which shall consist

of a safety rope or belting threaded through the rungs or secured to the ladder at intervals of not more than three feet.

(6) Before an employee throws his/her weight on a belt, the employee shall determine that the snap or fasteners are properly engaged.

(7) Safety straps shall not be placed around poles above the cross-arm except where it is not possible for the strap to slide or be slipped over the top of the pole by inadvertence of the employee. Neither end of the strap shall be allowed to hang loose or dangle while the employee is ascending or descending poles or other structures.

(8) Body belts and safety straps shall not be stored with sharp-edged tools or near sharp objects. When a body belt, safety strap and climbers are kept in the same container, they shall be stored in such a manner as to avoid cutting or puncturing the material of the body belt or safety strap with the gaffs or climbers.

(9) Employees shall not attach metal hooks or other metal devices to body belts. Leather straps or rawhide thongs shall have hardwood or fibre crossbars. Leather straps and rawhide thongs shall not have metal or other conductive crossbars on them.

(10) Climbing gaffs shall be kept properly sharpened and shall be at least 1-1/8 inches in length.

(11) Lifelines shall be protected against being cut or abraded.

(12) Fall arrest equipment, work positioning equipment, or travel restricting equipment shall be used by employees working at elevated locations more than 4 feet (1.2 m) above the ground on poles, towers, or similar structures if other fall protection has not been provided. Fall protection equipment is not required to be used by a qualified employee climbing or changing location on poles, towers, or similar structures, unless conditions, such as, but not limited to, ice, high winds, the design of the structure (for example, no provision for holding on with hands), or the presence of contaminants on the structure, could cause the employee to lose his or her grip or footing.

Note 1: This subsection applies to structures that support overhead electric power generation, transmission, and distribution lines and equipment. It does not apply to portions of buildings, such as loading docks, to electric equipment, such as transformers and capacitors, nor to aerial lifts. Requirements for fall protection associated with walking and working surfaces are contained in WAC 296-155-245; requirements for fall protection associated with aerial lifts are contained in chapter 296-155 WAC, Part J-1.

Note 2: Employees undergoing training are not considered "qualified employees" for the purposes of this provision. Unqualified employees (including trainees) are required to use fall protection any time they are more than 4 feet (1.2 m) above the ground.

(13) The following requirements apply to personal fall arrest systems:

(a) When stopping or arresting a fall, personal fall arrest systems shall limit the maximum arresting force on an employee to 1800 pounds (8 kN) if used with a body harness.

(b) Personal fall arrest systems shall be rigged such that an employee can neither free fall more than 6 feet (1.8 m) nor contact any lower level.

(14) If vertical lifelines or droplines are used, not more than one employee may be attached to any one lifeline.

(15) Snaphooks may not be connected to loops made in webbing-type lanyards.

(16) Snaphooks may not be connected to each other.

NEW SECTION

WAC 296-45-275 Ladders, platforms, and manhole steps. (1) General. Requirements for ladders contained in chapter 296-24 WAC, Part J-1, apply, except as specifically noted in subsection (2) of this section.

(2) Special ladders and platforms. Portable ladders and platforms used on structures or conductors in conjunction with overhead line work need not meet chapter 296-24 WAC, Part J-1 or chapter 296-155 WAC, Part J. However, these ladders and platforms shall meet the following requirements:

(a) Ladders and platforms shall be secured to prevent their becoming accidentally dislodged.

(b) Ladders and platforms may not be loaded in excess of the working loads for which they are designed.

(c) Ladders and platforms may be used only in applications for which they were designed.

(d) In the configurations in which they are used, ladders and platforms shall be capable of supporting without failure at least 2.5 times the maximum intended load.

(e) All ladders shall be handled and stored in such a manner as to prevent damage to the ladder.

(f) When ascending or descending a ladder, the employee shall face the ladder and have free use of both hands.

(g) All defective ladders shall be taken out of service and labeled as defective.

(h) When a ladder is being used which is not fixed or otherwise secured, there shall be an attendant to hold the ladder and watch traffic when the work is being done on streets, alleys, sidewalks, or in industrial plants or other places where there exists the possibility of accidental contact with the ladder by third persons or vehicles.

(i) When working on the ladder, employees shall, where possible, tie the top of the ladder to a substantial object to prevent falling unless the ladder is equipped with approved hooks which may be used for the same purpose.

(j) Portable ladders shall not be moved with employees on the ladder.

(k) No employee shall ascend or descend a rolling ladder while it is moving.

(l) No employee shall stand on the top two steps of a step ladder.

(m) No employee shall use a step ladder as a straight ladder.

(n) Ladders shall always be placed on a secure footing with both legs resting firmly on the lower surface.

(o) Ladders made by fastening cleats or similar devices across a single rail shall not be used.

(3) Conductive ladders. Portable metal ladders and other portable conductive ladders may not be used near exposed energized lines or equipment. However, in specialized high-voltage work, conductive ladders shall be used where the employer can demonstrate that nonconductive ladders would present a greater hazard than conductive ladders.

Note: A greater electrical hazard would be static electricity such as might be found in extra high voltage substations.

(4) All conductive or metal ladders shall be prominently marked and identified as being conductive and shall be grounded when used near energized lines or equipment.

Note: See chapter 296-24 WAC for additional ladder requirements.

NEW SECTION

WAC 296-45-285 Hand, and portable powered tools.

(1) General requirements.

(a) The employer shall assure that each hand and portable powered tool, including any tool provided by an employee, is maintained in serviceable condition.

(b) The employer shall assure that each tool, including any tool provided by an employee, is inspected before initial use during each workshift. At a minimum, the inspection shall include the following:

(i) Handles and guards, to assure that they are sound, tight-fitting, properly shaped, free of splinters and sharp edges, and in place;

(ii) Controls, to assure proper function;

(iii) Heads of shock, impact-driven and driving tools, to assure that there is no mushrooming;

(iv) Cutting edges, to assure that they are sharp and properly shaped; and

(v) All other safety devices, to assure that they are in place and function properly.

(c) The employer shall assure that each tool is used only for purposes for which it has been designed.

(d) When the head of any shock, impact-driven or driving tool begins to chip, it shall be repaired or removed from service.

(e) The cutting edge of each tool shall be sharpened in accordance with manufacturer's specifications whenever it becomes dull during the workshift.

(f) Each tool shall be stored in the provided location when not being used at a work site.

(g) Racks, boxes, holsters or other means shall be provided, arranged and used for the transportation of tools so that a hazard is not created for any vehicle operator or passenger.

(2) Electric equipment connected by cord and plug must meet the following requirements:

(a) Cord- and plug-connected equipment supplied by premises wiring is covered by chapter 296-24 WAC, Part L.

(b) Any cord- and plug-connected equipment supplied by other than premises wiring shall comply with one of the following instead of chapter 296-24 WAC, Part L:

(i) It shall be equipped with a cord containing an equipment grounding conductor connected to the tool frame and to a means for grounding the other end (however, this option may not be used where the introduction of the ground into the work environment increases the hazard to an employee); or

(ii) It shall be of the double-insulated type conforming to 296-24 WAC, Part L; or

(iii) It shall be connected to the power supply through an isolating transformer with an ungrounded secondary.

(3) Portable and vehicle-mounted generators. Portable and vehicle-mounted generators used to supply cord- and plug-connected equipment shall meet the following requirements:

(a) The generator may only supply equipment located on the generator or the vehicle and cord- and plug-connected equipment through receptacles mounted on the generator or the vehicle.

(b) The non-current-carrying metal parts of equipment and the equipment grounding conductor terminals of the receptacles shall be bonded to the generator frame.

(c) In the case of vehicle-mounted generators, the frame of the generator shall be bonded to the vehicle frame.

(d) Any neutral conductor shall be bonded to the generator frame.

(4) Hydraulic and pneumatic tools must meet the following requirements:

(a) Safe operating pressures for hydraulic and pneumatic tools, hoses, valves, pipes, filters, and fittings may not be exceeded.

Note: If any hazardous defects are present, no operating pressure would be safe, and the hydraulic or pneumatic equipment involved may not be used. In the absence of defects, the maximum rated operating pressure is the maximum safe pressure.

(b) A hydraulic or pneumatic tool used where it may contact exposed live parts shall (use non-conductive hoses and) be designed and maintained for such use.

(c) The hydraulic system supplying a hydraulic tool used where it may contact exposed live parts shall provide protection against loss of insulating value for the voltage involved due to the formation of a partial vacuum in the hydraulic line.

Note: Hydraulic lines without check valves having a separation of more than 35 feet (10.7 m) between the oil reservoir and the upper end of the hydraulic system promote the formation of a partial vacuum.

(d) A pneumatic tool used on energized electric lines or equipment or used where it may contact exposed live parts shall provide protection against the accumulation of moisture in the air supply.

(e) Pressure shall be released before connections are broken, unless quick acting, self-closing connectors are used. Hoses may not be kinked.

(f) Employees may not use any part of their bodies to locate or attempt to stop a hydraulic leak.

NEW SECTION

WAC 296-45-295 Gasoline engine power chain saws.

(1) Each chain saw placed into initial service after February 9, 1995, shall be equipped with a chain brake and shall otherwise meet the requirements of the ANSI B175.1-1991 "Safety Requirements for Gasoline-Powered Chain Saws." Each chain saw placed into service before February 9, 1995, shall be equipped with a protective device that minimizes chain saw kickback, i.e., reduced kickback bar, chains, bar tip guard or chain brake. No chain-saw kickback device shall be removed or otherwise disabled.

(2) Gasoline-engine power saw operations shall meet the requirements of WAC 296-54-515(10).

(3) The chain saw shall be operated and adjusted in accordance with the manufacturer's instructions.

(4) The employer must ensure that each chain saw, including any chain saw provided by an employee, is

inspected before initial use during each workshift. At a minimum, the inspection shall include the following:

- (a) Chain-saw chains, to assure proper adjustment;
- (b) Chain-saw mufflers, to assure that they are operational and in place;
- (c) Chain brakes and nose shielding devices, to assure that they are in place and function properly;
- (5) The chain saw shall be fueled at least 10 feet (3 m) from any open flame or other source of ignition.
- (6) The chain saw shall be started at least 10 feet (3 m) from the fueling area.
- (7) The chain saw shall be started on the ground or where otherwise firmly supported. Drop-starting a chain saw is prohibited.
- (8) The chain saw shall be started with the chain brake engaged.
- (9) The chain saw shall be held with the thumbs and fingers of both hands encircling the handles during operation unless the employer demonstrates that a greater hazard is posed by keeping both hands on the chain saw in that particular situation.
- (10) The chain-saw operator shall be certain of footing before starting to cut. The chain saw shall not be used in a position or at a distance that could cause the operator to become off-balance, to have insecure footing, or to relinquish a firm grip on the saw.
- (11) Prior to felling any tree, the chain saw operator shall clear away brush or other potential obstacles which might interfere with cutting the tree or using the retreat path.
- (12) The chain saw shall not be used to cut directly overhead.
- (13) The chain saw shall be carried in a manner that will prevent operator contact with the cutting chain and muffler.
- (14) The chain saw shall be shut off or at idle before the feller starts their retreat.
- (15) The chain saw shall be shut down or the chain brake shall be engaged whenever a saw is carried further than 50 feet (15.2 m). The chain saw shall be shut down or the chain brake shall be engaged when a saw is carried less than 50 feet if conditions such as, but not limited to, the terrain, underbrush and slippery surfaces, may create a hazard for an employee.
- (16) Each power saw weighing more than 15 pounds (6.8 kilograms, service weight) that is used in trees shall be supported by a separate line, except when work is performed from an aerial lift and except during topping or removing operations where no supporting limb will be available, and the following:
 - (a) Each power saw shall be equipped with a control that will return the saw to idling speed when released;
 - (b) Each power saw shall be equipped with a clutch and shall be so adjusted that the clutch will not engage the chain drive at idling speed;
 - (c) Drop starting of saws over 15 pounds (6.8 kg) is permitted outside of the bucket of an aerial lift only if the area below the lift is clear of personnel;
 - (d) A power saw engine may be started and operated only when all employees other than the operator are clear of the saw;
 - (e) A power saw may not be running when the saw is being carried up into a tree by an employee; and

(f) Power saw engines shall be stopped for all cleaning, refueling, adjustments, and repairs to the saw or motor, except as the manufacturer's servicing procedures require otherwise.

NEW SECTION

WAC 296-45-305 Live-line tools. (1) Design of tools. Live-line tool rods, tubes, and poles shall be designed and constructed to withstand the following minimum tests:

- (a) 100,000 volts per foot (3281 volts per centimeter) of length for 5 minutes if the tool is made of fiberglass-reinforced plastic (FRP); or
- (b) 75,000 volts per foot (2461 volts per centimeter) of length for 3 minutes if the tool is made of wood; or
- (c) Other tests that the employer can demonstrate are equivalent.

Note: Live-line tools using rod and tube that meet ASTM F711-89, Standard Specification for Fiberglass-Reinforced Plastic (FRP) Rod and Tube Used in Live-Line Tools, conform to subsection (1)(a) of this section.

(2) Condition of tools.

(a) Each live-line tool shall be wiped clean and visually inspected for defects before use each day.

(b) If any defect or contamination that could adversely affect the insulating qualities or mechanical integrity of the live-line tool is present after wiping, the tool shall be removed from service and examined and tested according to this section before being returned to service.

(c) Live-line tools used for primary employee protection shall be removed from service every two years and whenever required under this subsection for examination, cleaning, repair, and testing as follows:

(i) Each tool shall be thoroughly examined for defects.

(ii) If a defect or contamination that could adversely affect the insulating qualities or mechanical integrity of the live-line tool is found, the tool shall be repaired and refinished or shall be permanently removed from service. If no such defect or contamination is found, the tool shall be cleaned and waxed.

(iii) The tool shall be tested in accordance with this section under the following conditions:

(A) After the tool has been repaired or refinished; and

(B) After the examination if repair or refinishing is not performed, unless the tool is made of FRP rod or foam-filled FRP tube and the employer can demonstrate that the tool has no defects that could cause it to fail in use.

(iv) The test method used shall be designed to verify the tool's integrity along its entire working length and, if the tool is made of fiberglass-reinforced plastic, its integrity under wet conditions.

(v) The voltage applied during the tests shall be as follows:

(A) 75,000 volts per foot (2461 volts per centimeter) of length for one minute if the tool is made of fiberglass; or

(B) 50,000 volts per foot (1640 volts per centimeter) of length for one minute if the tool is made of wood; or

(C) Other tests that the employer can demonstrate are equivalent.

Note: Guidelines for the examination, cleaning, repairing, and in-service testing of live-line tools are contained in the Institute of Electrical and Electronics Engineers Guide for In-Service

Maintenance and Electrical Testing of Live-Line Tools, IEEE Std. 978-1984.

(d) Live-line tools and rope shall be stored and maintained and used in such a manner as to prevent damage. Live-line tools and ropes shall not be used for purposes other than line work.

NEW SECTION

WAC 296-45-315 Materials handling and storage.

(1) General. Material handling and storage shall conform to the requirements of chapter 296-24 WAC, Part D.

(2) Materials storage near energized lines or equipment. In areas not restricted to qualified persons only, materials or equipment may not be stored closer to energized lines or exposed energized parts of equipment than the following distances plus an amount providing for the maximum sag and side swing of all conductors and providing for the height and movement of material handling equipment:

(a) For lines and equipment energized at 50 kV or less, the distance is 10 feet (305 cm).

(b) For lines and equipment energized at more than 50 kV, the distance is 10 feet (305 cm) plus 4 inches (10 cm) for every 10 kV over 50 kV.

(c) In areas restricted to qualified employees, material may not be stored within the working space about energized lines or equipment.

Note: Requirements for the size of the working space are contained in WAC 296-45-475(1) and 296-45-48515.

(3) Prior to unloading steel, poles, crossarms and similar materials, the load shall be thoroughly examined to determine if the load has shifted, binders or stakes have broken or the load is otherwise hazardous to employees. The hoist rope shall not be wrapped around the load. This provision shall not apply to electric construction crews when setting or removing poles.

(4) Pole handling.

(a) During pole hauling operations, all loads shall be secured to prevent displacement, and a red flag shall be displayed at the trailing end of the longest pole.

(b) While loading and unloading materials, roadways shall not be blocked unless approved traffic control is used.

(c) When hauling poles during darkness, illuminated warning devices shall be attached to the trailing end of the longest pole in accordance with the state of Washington motor vehicle code.

(5) Tag lines. When necessary to control loads, tag lines or other approved devices shall be used.

(6) Oil filled equipment. During construction or repair of oil filled equipment, the oil may be stored in temporary containers other than those required by WAC 296-155-270, such as pillow tanks.

(7) Storage of tools and materials. All tools and materials shall be stored in a safe and orderly manner in yards for equipment and other areas.

NEW SECTION

WAC 296-45-325 Working on or near exposed energized parts. This section applies to work on exposed live parts, or near enough to them, to expose the employee to any hazard they present.

(1) General. Only qualified employees may work on or with exposed energized lines or parts of equipment. Only qualified employees may work in areas containing unguarded, uninsulated energized lines or parts of equipment operating at 50 volts or more. Electric lines and equipment shall be considered and treated as energized unless the provisions of WAC 296-45-175 through 296-45-17565 or 296-45-335 have been followed.

(2) Except as provided in subsection (3) of this section, at least two qualified employees shall be present while the following types of work are being performed:

(a) Installation, removal, or repair of lines that are energized at more than 600 volts;

(b) Installation, removal, or repair of de-energized lines if an employee is exposed to contact with other parts energized at more than 600 volts;

(c) Installation, removal, or repair of equipment, such as transformers, capacitors, and regulators, if an employee is exposed to contact with parts energized at more than 600 volts;

(d) Work involving the use of mechanical equipment, other than insulated aerial lifts, near parts energized at more than 600 volts; and

(e) Other work that exposes an employee to electrical hazards greater than or equal to those posed by operations that are specifically listed in subsection (2)(a) through (e) of this section.

Note 1: One employee shall serve principally as a standby person who shall be so located that they may physically reach the other employee in the event of an accident either with their hand or with a hot stick. The stand-by shall be so positioned as to be able to observe the other employee, their bodily movements, and verbally warn of any impending dangers. In no case when working in pairs shall employees work simultaneously on energized wires or parts of different phases or polarity;

Note 2: In cases of necessity the stand-by person may temporarily assist the other employee provided that they both work on wires or parts of the same phase or polarity. Both employees shall so position themselves so that the presence of the second person does not increase the hazard.

(3) The provisions of WAC 296-45-325(2) do not apply in the following circumstances:

(a) When re-fusing circuits or equipment with a hot stick.

(b) When operating switches by means of operating handle or switch sticks.

(c) When installing or removing a hot line clamp connection with an approved hot stick on single phase line or apparatus, providing that the connection or disconnection does not interrupt or pick up a load.

(d) When installing or removing by hotstick simple load metering devices provided the connection does not interrupt or pickup load.

(e) Emergency repairs to the extent necessary to safeguard the general public.

(4) "Minimum approach distances." The employer shall ensure that no employee approaches or takes any conductive object closer to exposed energized parts than set forth in Table 1 through Table 4, unless:

The employee is insulated from the energized part (insulating gloves or insulating gloves and sleeves worn in accordance with subsection (7) of this section are considered

insulation of the employee only with regard to the energized part upon which work is being performed); or

The energized part is insulated from the employee and from any other conductive object at a different potential.

Note 1: WAC 296-45-475 (5)(a) and 296-45-48525(1) contain requirements for the guarding and isolation of live parts. Parts of electric circuits that meet these two provisions are not considered as "exposed" unless a guard is removed or an employee enters the space intended to provide isolation from the live parts.

Note 2: When an employee is required to work on or within reach of any unprotected conductors that are or may become energized at more than 50 volts and less than 600 volts between phases, they shall take the following precautions:

- 1: They shall wear approved rubber gloves during the time they are working on such conductor, or
- 2: They shall cover, with approved devices, any adjacent unprotected conductor that could be touched by any part of their body, and use insulated tools.
- 3: Cables which are properly insulated for the voltages to which they are energized, shall be considered as an effective barrier to protect the employees and Table 1 need not apply.

(5) Initial determination.

(a) Before any work is performed, the location of energized lines and their condition, the location and condition of energized equipment, the condition of the poles, the location of circuits and equipment including power communication lines, CATV and fire alarm circuits, shall be determined as shall any other particular hazard of a particular work site.

(b) No work shall be performed on energized lines or parts until the voltage of such equipment and lines is determined.

(6) Type of insulation. If the employee is to be insulated from energized parts by the use of insulating gloves (under subsection (4)(a) of this section), insulating sleeves shall also be used. However, insulating sleeves need not be used under the following conditions:

(a) If exposed energized parts on which work is not being performed are insulated from the employee; and

(b) If such insulation is placed from a position not exposing the employee's upper arm to contact with other energized parts.

(7) Working position. The employer shall ensure that each employee, to the extent that other safety-related conditions at the worksite permit, works in a position from which a slip or shock will not bring the employee's body into contact with exposed, uninsulated parts energized at a potential different from the employee.

(8) Making connections. The employer shall ensure that connections are made as follows:

(a) In connecting de-energized equipment or lines to an energized circuit by means of a conducting wire or device, an employee shall first attach the wire to the de-energized part;

(b) When disconnecting equipment or lines from an energized circuit by means of a conducting wire or device, an employee shall remove the source end first; and

(c) When lines or equipment are connected to or disconnected from energized circuits, loose conductors shall be kept away from exposed energized parts.

(9) Rubber gloves can only be used on 5,000 volts or less between phases.

(10) It shall not be permissible to consider one part of a high voltage switch or disconnect as de-energized for the

purpose of doing work on it if the remainder of the switch or disconnect remains energized unless approved barriers are erected which will prevent employees who are doing the work on such equipment from coming in direct contact with the energized parts.

(11) Conductor support tools such as link sticks, strain carriers, and insulator cradles may be used: *Provided*, That the clear insulation is at least as long as the insulator string or the minimum distance specified in Table 1 for the operating voltage.

(12) Apparel.

(a) When work is performed within reaching distance of exposed energized parts of equipment, the employer shall ensure that each employee removes or renders nonconductive all exposed conductive articles, such as key or watch chains, rings, or wrist watches or bands, unless such articles do not increase the hazards associated with contact with the energized parts.

(b) The employer shall train each employee who is exposed to the hazards of flames or electric arcs in the hazards involved.

(c) The employer shall ensure that each employee who is exposed to the hazards of flames or electric arcs does not wear clothing that, when exposed to flames or electric arcs, could increase the extent of injury that would be sustained by the employee.

Note: Clothing made from the following types of fabrics, either alone or in blends, is prohibited by this subsection, unless the employer can demonstrate that the fabric has been treated to withstand the conditions that may be encountered or that the clothing is worn in such a manner as to eliminate the hazard involved: Acetate, nylon, polyester, rayon.

(d) Workers shall wear clothing appropriate to the season and the kind of work being performed. Shirts or jumpers must have full length sleeves that are rolled down. Protective hard hats and eye protection shall be worn when working on or near live parts or while climbing poles.

(13) Fuse handling. When fuses must be installed or removed with one or both terminals energized at more than 300 volts or with exposed parts energized at more than 50 volts, the employer shall ensure that tools or gloves rated for the voltage are used. When expulsion-type fuses are installed with one or both terminals energized at more than 300 volts, the employer shall ensure that each employee wears eye protection meeting the requirements of WAC 296-45-25505(1), uses a tool rated for the voltage, and is clear of the exhaust path of the fuse barrel.

(14) Covered (noninsulated) conductors. The requirements of this section which pertain to the hazards of exposed live parts also apply when work is performed in the proximity of covered (noninsulated) wires.

(15) Noncurrent-carrying metal parts. Noncurrent-carrying metal parts of equipment or devices, such as transformer cases and circuit breaker housings, shall be treated as energized at the highest voltage to which they are exposed, unless the employer inspects the installation and determines that these parts are grounded before work is performed.

(16) Opening circuits under load. Devices used to open circuits under load conditions shall be designed to interrupt the current involved.

Table 1: AC Live Work Minimum Approach Distance

Voltage in kilovolts phase to phase*	Distance to employee		Phase to Phase	
	Phase to ground (m)	Phase to ground (ft-in)	(m)	(ft-in)
0 to 0.050	not specified		not specified	
0.051 to 0.300	avoid contact		avoid contact	
0.301 to 0.750	0.31	1-0	0.31	1-0
0.0751 to 15	0.65	2-2	0.67	2-3
15.1 to 36.0	0.77	2-7	0.86	2-10
36.1 to 46.0	0.84	2-9	0.96	3-2
46.1 to 72.5	1.00**	3-3**	1.20	3-11
72.6 to 121	0.95**	3-2**	1.29	4-3
138 to 145	1.09	3-7	1.50	4-11
161 to 169	1.22	4-0	1.71	5-8
230 to 242	1.59	5-3	2.27	7-6
345 to 362	2.59	8-6	3.80	12-6
500 to 550	3.42	11-3	5.50	18-1
765 to 800	4.53	14-11	7.91	26-0

*For single-phase systems, use the highest voltage available.

For single-phase lines off three phase systems, use the phase-to-phase voltage of the system.

**The 46.1 to 72.5 kV phase-to-ground 3-3 distance contains a 1-3 electrical component and a 2-0 inadvertent movement component while the 72.6 to 121 kV phase-to-ground 3-2 distance contains a 2-2 electrical component and a 1-0 inadvertent movement component.

Note 1: These distances take into consideration the highest switching surge an employee will be exposed to on any system with air as the insulating medium and the maximum voltages shown.

Note 2: The clear live-line tool distance shall equal or exceed the values for the indicated voltage ranges.

Note 3: See Appendix B to this section for information on how the minimum approach distances listed in the tables were derived.

remaining provisions of subsection (3) of this section need not be used.

(d) Any disconnecting means that are accessible to persons outside the employer's control (for example, the general public) shall be rendered inoperable while they are open for the purpose of protecting employees.

(3) De-energizing lines and equipment.

(a) In all cases, switching orders must be given directly to the employees in charge of operating the switches by the system operator who has jurisdiction and such communications must be repeated back word for word to the speaker. When requesting clearance on lines under the control of the system operator, a person requesting the clearance shall obtain the name of the system operator to whom the request was made and the system operator shall obtain the name of the person requesting the clearance; and assure that the person is qualified to receive such a clearance. A designated employee shall make a request of the system operator to have the particular section of line or equipment de-energized. The designated employee becomes the employee in charge (as this term is used in subsection (2)(b) of this section) and is responsible for the clearance. In giving a clearance, the system operator shall make certain that the person to whom the clearance is given is fully aware of the extent or the limits of the clearance.

(b) All switches, disconnectors, jumpers, taps, and other means through which known sources of electric energy may be supplied to the particular lines and equipment to be de-energized shall be opened. Such means shall be rendered inoperable, unless its design does not so permit, and tagged to indicate that employees are at work.

(c) Automatically and remotely controlled switches that could cause the opened disconnecting means to close shall also be tagged at the point of control. The automatic or remote control feature shall be rendered inoperable, unless its design does not so permit.

NEW SECTION

WAC 296-45-335 De-energizing lines and equipment for employee protection. (1) Application. This section applies to the de-energizing of transmission and distribution lines and equipment for the purpose of protecting employees. Control of hazardous energy sources used in the generation of electric energy is covered in WAC 296-45-175. Conductors and parts of electric equipment that have been de-energized under procedures other than those required by WAC 296-45-175 or 296-45-335, as applicable, shall be treated as energized.

(2) "General."

(a) If a system operator is in charge of the lines or equipment and their means of disconnection, all of the requirements of subsection (3) of this section shall be observed, in the order given.

(b) If no system operator is in charge of the lines or equipment and their means of disconnection, one employee in the crew shall be designated as being in charge of the clearance. All of the requirements of subsection (3) of this section apply, in the order given, except as provided in subsection (2)(c) of this section. The employee in charge of the clearance shall take the place of the system operator, as necessary.

(c) If only one crew will be working on the lines or equipment and if the means of disconnection is accessible and visible to and under the sole control of the employee in charge of the clearance, subsection (3)(a), (c), and (d) of this section do not apply. Additionally, tags required by the

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(d) Tags shall prohibit operation of the disconnecting means and shall indicate that employees are at work.

(e) After the applicable requirements in subsection (3)(a) through (d) of this section have been followed and the employee in charge of the work has been given a clearance by the system operator, the lines and equipment to be worked shall be tested to ensure that they are de-energized.

(4) The system operator shall order clearance tags printed on red cardboard, or equivalent, not less than 2-1/4 inches by 4-1/2 inches, attached to all switches opened or checked open to provide clearance on any line or equipment for employees to work thereon.

(5) Clearance tags attached to substation control devices and to line switches beyond the switchyard of any substation; indicating the limits of the clearance involved; shall state the designation of the switch opened or checked open and tagged; the name of the person to whom the clearance is to be issued; the date and time the switch was opened or checked open; the name of the dispatcher ordering the switching and tagging; and the name of the person doing the switching and tagging.

(6) Protective grounds shall be installed as required by WAC 296-45-345.

(7) After the applicable requirements of subsection (3)(a) through (d) of this section have been followed, the lines and equipment involved may be worked as de-energized.

(8) If two or more independent crews will be working on the same lines or equipment, each crew shall independently comply with the requirements in subsection (3) of this section.

(9) To transfer the clearance, the employee in charge (or, if the employee in charge is forced to leave the worksite due to illness or other emergency, the employee's supervisor) shall inform the system operator; employees in the crew shall be informed of the transfer; and the new employee in charge shall be responsible for the clearance.

(10) To release a clearance, the employee in charge shall:

(a) Notify employees under his or her direction that the clearance is to be released;

(b) Determine that all employees in the crew are clear of the lines and equipment;

(c) Determine that all protective grounds installed by the crew have been removed; and

(d) Report this information to the system operator and release the clearance.

(11) The person releasing a clearance shall be the same person that requested the clearance, unless responsibility has been transferred under subsection (9) of this section.

(12) Tags may not be removed unless the associated clearance has been released under subsection (10) of this section.

(13) Only after all protective grounds have been removed, after all crews working on the lines or equipment have released their clearances, after all employees are clear of the lines and equipment, and after all protective tags have been removed from a given point of disconnection, may action be initiated to reenergize the lines or equipment at that point of disconnection.

(14) To meet unforeseen conditions, it will be permissible to tag isolated switches for the system operator and issue

clearances against this tag. In tagging out inter-utility tie lines, the open switches on the foreign end of the line shall be tagged for the foreign system operator requesting the outage who will issue clearances to individuals of the organization against this tag.

(15) Metal-clad, draw-out switchgear of over 600 volts in which the physical separation of the disconnecting parts is not visible may be used to clear a line or equipment, provided the switchgear is equipped with:

(a) A positive positioning means to insure that the disconnecting contacts are separated;

(b) An isolating shutter which moves into place between the separated contact for circuit isolation; and

(c) A mechanically-connected indicating means to show that the shutter is in place.

(16) In all other cases, only a visible break of all phases shall be regarded as clearing a line or equipment.

(17) No person shall make contact with a circuit or equipment that has not been taken out of service to be worked on until he/she has the circuit or equipment cleared and tagged for themselves or is working directly under the supervision of one who has the circuit or equipment cleared and tagged for themselves.

NEW SECTION

WAC 296-45-345 Grounding for the protection of employees. (1) Application. This section applies to the grounding of transmission and distribution lines and equipment for the purpose of protecting employees. Subsection (4) of this section also applies to the protective grounding of other equipment as required elsewhere in this section.

(2) General. For the employee to work lines or equipment as de-energized, the lines or equipment shall be de-energized under the provisions of WAC 296-45-335 and shall be grounded as specified in subsections (3) through (9) of this section. However, if the employer can demonstrate that installation of a ground is impracticable or that the conditions resulting from the installation of a ground would present greater hazards than working without grounds, the lines and equipment may be treated as de-energized provided all of the following conditions are met:

(a) The lines and equipment have been de-energized under the provisions of WAC 296-45-335.

(b) There is no possibility of contact with another energized source.

(c) The hazard of induced voltage is not present.

(3) Equipotential zone. Temporary protective grounds shall be placed at such locations and arranged in such a manner as to prevent each employee from being exposed to hazardous differences in electrical potential.

(4) Protective grounding equipment.

(a) Protective grounding equipment shall be capable of conducting the maximum fault current that could flow at the point of grounding for the time necessary to clear the fault. This equipment shall have an ampacity greater than or equal to that of No. 2 AWG copper.

(b) Grounding jumpers shall have approved ferrules and grounding clamps that provide mechanical support for jumper cables independent of the electrical connection.

Note: Guidelines for protective grounding equipment are contained in American Society for Testing and Materials Standard Specifica-

tions for Temporary Grounding Systems to be Used on De-Energized Electric Power Lines and Equipment, ASTM F855-1990.

(c) Protective grounds shall have an impedance low enough to cause immediate operation of protective devices in case of accidental energizing of the lines or equipment.

(5) Testing. Before any ground is installed, lines and equipment shall be tested and found absent of nominal voltage, unless a previously installed ground is present.

(a) Inspection before use: Grounding equipment shall be given a visual inspection and all mechanical connections shall be checked for tightness before each use.

(b) Ground surface cleaning: The surface to which the ground is to be attached shall be clean before the grounding clamp is installed; otherwise, a self-cleaning clamp shall be used.

(6) Order of connection. When a ground is to be attached to a line or to equipment, the ground-end connection shall be attached first, and then the other end shall be attached by means of a live-line tool.

(7) "Order of removal." When a ground is to be removed, the grounding device shall be removed from the line or equipment using a live-line tool before the ground-end connection is removed.

(8) "Additional precautions." When work is performed on a cable at a location remote from the cable terminal, the cable may not be grounded at the cable terminal if there is a possibility of hazardous transfer of potential should a fault occur.

(9) Removal of grounds for test. Grounds may be removed temporarily during tests. During the test procedure, the employer shall ensure that each employee uses insulating equipment and is isolated from any hazards involved, and the employer shall institute any additional measures as may be necessary to protect each exposed employee in case the previously grounded lines and equipment become energized.

(10) Conductor separation: In cases where the conductor separation at any pole or structure is so great as to make it impractical to apply shorts on all conductors, and where only one conductor is to be worked on, only that conductor which is to be worked on needs to be grounded.

(11) Ground personnel: In cases where ground rods or pole grounds are utilized for personal protective grounding, personnel working on the ground should maintain sufficient distance from such equipment or utilize other approved procedures designed to prevent "touch-and step potential" hazards.

Note: See the Appendix for tables.

NEW SECTION

WAC 296-45-355 Underground grounding. (1) Grounding. A capacitance charge can remain in the high voltage cables after it has been disconnected from the circuit and a static-type arc can occur when grounds are applied to such cables.

(2) When work is to be done on cables or equipment of a high-voltage underground system, precautions to prevent back-feed shall be taken. This shall include either isolating or grounding of the secondary conductors.

(3) After grounding the cable, if the worker is to work on cable between terminations, he/she must first spike the

cable or use other approved methods of testing. If the cable is to be cut, it shall be cut only with approved hot cutters.

(4) Additional precautions. When work is performed on a cable at a location remote from the cable terminal, the cable may not be grounded at the cable terminal if there is a possibility of hazardous transfer of potential should a fault occur.

NEW SECTION

WAC 296-45-365 Testing and test facilities. (1) Application. This section provides for safe work practices for high-voltage and high-power testing performed in laboratories, shops, and substations, and in the field and on electric transmission and distribution lines and equipment. It applies only to testing involving interim measurements utilizing high voltage, high power, or combinations of both, and not to testing involving continuous measurements as in routine metering, relaying, and normal line work.

Note: Routine inspection and maintenance measurements made by qualified employees are considered to be routine line work and are not included in the scope of this section, as long as the hazards related to the use of intrinsic high-voltage or high-power sources require only the normal precautions associated with routine operation and maintenance work required in the other subsections of this section. Two typical examples of such excluded test work procedures are "phasing-out" testing and testing for a "no-voltage" condition.

(2) General requirements.

(a) The employer shall establish and enforce work practices for the protection of each worker from the hazards of high-voltage or high-power testing at all test areas, temporary and permanent. Such work practices shall include, as a minimum, test area guarding, grounding, and the safe use of measuring and control circuits. A means providing for periodic safety checks of field test areas shall also be included.

(b) Employees shall be trained in safe work practices upon their initial assignment to the test area, with periodic reviews and updates provided as required by subsections of this section.

(3) Guarding of test areas.

(a) Permanent test areas shall be guarded by walls, fences, or barriers designed to keep employees out of the test areas.

(b) In field testing, or at a temporary test site where permanent fences and gates are not provided, one of the following means shall be used to prevent unauthorized employees from entering:

(i) The test area shall be guarded by the use of distinctively colored safety tape that is supported approximately waist high and to which safety signs are attached;

(ii) The test area shall be guarded by a barrier or barricade that limits access to the test area to a degree equivalent, physically and visually, to the barricade specified in this section; or

(iii) The test area shall be guarded by one or more test observers stationed so that the entire area can be monitored.

(c) The barriers required by this section shall be removed when the protection they provide is no longer needed.

(d) Guarding shall be provided within test areas to control access to test equipment or to apparatus under test

that may become energized as part of the testing by either direct or inductive coupling, in order to prevent accidental employee contact with energized parts.

(4) Grounding practices.

(a) The employer shall establish and implement safe grounding practices for the test facility.

(i) All conductive parts accessible to the test operator during the time the equipment is operating at high voltage shall be maintained at ground potential except for portions of the equipment that are isolated from the test operator by guarding.

(ii) Wherever ungrounded terminals of test equipment or apparatus under test may be present, they shall be treated as energized until determined by tests to be de-energized.

(b) Visible grounds shall be applied, either automatically or manually with properly insulated tools, to the high-voltage circuits after they are de-energized and before work is performed on the circuit or item or apparatus under test. Common ground connections shall be solidly connected to the test equipment and the apparatus under test.

(c) In high-power testing, an isolated ground-return conductor system shall be provided so that no intentional passage of current, with its attendant voltage rise, can occur in the ground grid or in the earth. However, an isolated ground-return conductor need not be provided if the employer can demonstrate that both the following conditions are met:

(i) An isolated ground-return conductor cannot be provided due to the distance of the test site from the electric energy source; and

(ii) Employees are protected from any hazardous step and touch potentials that may develop during the test.

Note: See Appendix B for information on measures that can be taken to protect employees from hazardous step and touch potentials.

(d) In tests in which grounding of test equipment by means of the equipment grounding conductor located in the equipment power cord cannot be used due to increased hazards to test personnel or the prevention of satisfactory measurements, a ground that the employer can demonstrate affords equivalent safety shall be provided, and the safety ground shall be clearly indicated in the test set up.

(e) When the test area is entered after equipment is de-energized, a ground shall be placed on the high-voltage terminal and any other exposed terminals.

(i) High capacitance equipment or apparatus shall be discharged through a resistor rated for the available energy.

(ii) A direct ground shall be applied to the exposed terminals when the stored energy drops to a level at which it is safe to do so.

(f) If a test trailer or test vehicle is used in field testing, its chassis shall be grounded. Protection against hazardous touch potentials with respect to the vehicle, instrument panels, and other conductive parts accessible to employees shall be provided by bonding, insulation, or isolation.

(5) Control and measuring circuits.

(a) Control wiring, meter connections, test leads and cables may not be run from a test area unless they are contained in a grounded metallic sheath and terminated in a grounded metallic enclosure or unless other precautions are taken that the employer can demonstrate as ensuring equivalent safety.

(b) Meters and other instruments with accessible terminals or parts shall be isolated from test personnel to protect against hazards arising from such terminals and parts becoming energized during testing. If this isolation is provided by locating test equipment in metal compartments with viewing windows, interlocks shall be provided to interrupt the power supply if the compartment cover is opened.

(c) The routing and connections of temporary wiring shall be made secure against damage, accidental interruptions and other hazards. To the maximum extent possible, signal, control, ground, and power cables shall be kept separate.

(d) If employees will be present in the test area during testing, a test observer shall be present. The test observer shall be capable of implementing the immediate de-energizing of test circuits for safety purposes.

(6) Safety check.

(a) Safety practices governing employee work at temporary or field test areas shall provide for a routine check of such test areas for safety at the beginning of each series of tests.

(b) The test operator in charge shall conduct these routine safety checks before each series of tests and shall verify at least the following conditions:

(i) That barriers and guards are in workable condition and are properly placed to isolate hazardous areas;

(ii) That system test status signals, if used, are in operable condition;

(iii) That test power disconnects are clearly marked and readily available in an emergency;

(iv) That ground connections are clearly identifiable;

(v) That personal protective equipment is provided and used;

(vi) That signal, ground, and power cables are properly separated.

NEW SECTION

WAC 296-45-375 Mechanical equipment, including aerial manlift equipment. (1) General requirements.

(a) The critical safety components of mechanical elevating and rotating equipment shall receive a thorough visual inspection and operational test before use on each shift.

Note: Critical safety components of mechanical elevating and rotating equipment are components whose failure would result in a free fall or free rotation of the boom.

(b) No vehicular equipment having an obstructed view to the rear may be operated on off-highway jobsites where any employee is exposed to the hazards created by the moving vehicle, unless:

(i) The vehicle has a reverse signal alarm audible above the surrounding noise level; or

(ii) The vehicle is backed up only when a designated employee signals that it is safe to do so.

(c) The operator of an electric line truck may not leave his or her position at the controls while a load is suspended, unless the employer can demonstrate that no employee (including the operator) might be endangered.

(d) Rubber-tired, self-propelled scrapers, rubber-tired front-end loaders, rubber-tired dozers, wheel-type agricultural and industrial tractors, crawler-type tractors, crawler-type

loaders, and motor graders, with or without attachments, shall have rollover protective structures that meet the requirements of chapter 296-155 WAC, Part V.

(2) Outriggers.

(a) Vehicular equipment, if provided with outriggers, shall be operated with the outriggers extended and firmly set as necessary for the stability of the specific configuration of the equipment. Outriggers may not be extended or retracted outside of clear view of the operator unless all employees are outside the range of possible equipment motion.

(b) If the work area or the terrain precludes the use of outriggers, the equipment may be operated only within its maximum load ratings for the particular configuration of the equipment without outriggers.

(3) Applied loads. Mechanical equipment used to lift or move lines or other material shall be used within its maximum load rating and other design limitations for the conditions under which the work is being performed.

(4) Hydraulic fluids. All hydraulic fluids used for the insulated section of derrick trucks, aerial lifts, and hydraulic tools which are used on or around energized lines or equipment shall be of the insulating type.

(5) Mechanical adjustment or repairs shall not be attempted or performed in the field except by a person qualified to perform such work.

(6) Malfunction or needed repairs of manlift equipment shall be reported to the employee responsible for such repairs as soon as is reasonably possible. Use of equipment which is known to be in need of repairs or is malfunctioning is prohibited when such deficiency creates an unsafe operating condition.

(7) When any aerial manlift equipment is parked for operation at the jobsite, the brakes shall be set. Wheel chocks shall be used to prevent accidental movement while parked on an incline.

(8) Employees shall not sit or stand on the basket edge, stand on materials placed in or across the basket, or work from a ladder set inside the basket.

(9) The basket shall not be rested on a fixed object(s) so that the weight of the boom is either totally or partially supported by the basket.

(10) Operations near energized lines or equipment.

(a) Mechanical equipment shall be operated so that the minimum approach distances of Table 1 through Table 4 are maintained from exposed energized lines and equipment. However, the insulated upper portion excluding the basket/bucket of an aerial lift operated by a qualified employee in the lift is exempt from this requirement.

(b) A designated employee other than the equipment operator shall observe the approach distance to exposed lines and equipment and give timely warnings before the minimum approach distance required by subsection (10)(a) of this section is reached, unless the employer can demonstrate that the operator can accurately determine that the minimum approach distance is being maintained.

(c) If, during operation of the mechanical equipment, the equipment could become energized, the operation shall also comply with at least one of the following:

(i) The energized lines exposed to contact shall be covered with insulating protective material that will withstand the type of contact that might be made during the operation.

(ii) The equipment shall be insulated for the voltage involved. The equipment shall be positioned so that its uninsulated portions cannot approach the lines or equipment any closer than the minimum approach distances specified in Table 1 through 4.

(iii) Each employee shall be protected from hazards that might arise from equipment contact with the energized lines. The measures used shall ensure that employees will not be exposed to hazardous differences in potential. Unless the employer can demonstrate that the methods in use protect each employee from the hazards that might arise if the equipment contacts the energized line, the measures used shall include all of the following techniques:

(A) Using the best available ground to minimize the time the lines remain energized;

(B) Bonding equipment together to minimize potential differences; and

(C) Providing ground mats to extend areas of equipotential.

(11) Employing insulating protective equipment or barricades to guard against any remaining hazardous potential differences.

Note: Appendix B contains information on hazardous step and touch potentials and on methods of protecting employees from hazards resulting from such potentials.

(12) While working in aerial equipment, employees shall wear an approved fall protection equipment attached to the boom or basket, in a secure manner.

(13) No component of aerial devices shall be operated from the ground without permission from the employee in the basket except in case of emergency.

(14) Operating levers or controls shall be kept clear of tools, materials or obstructions.

(15) Employees shall not climb into or out of the basket or platform while it is elevated or change from one basket to another on dual basket equipment, except in case of emergency or when the employees involved agree that this is the safest way to perform the work. This exception shall not be used to circumvent safety rules.

(16) Existing safety rules governing the use of hot line tools, rubber and other protective equipment and safe work practices while performing work from poles or structures shall also apply to work done from aerial manlift equipment.

(17) The basket shall be kept clean and all tools not in use shall be secured or removed.

(18) Approved warning light shall be operating when the boom leaves the cradle. This light shall be visible to approaching traffic when the boom is in position over any traveled area.

(19) All aerial manlift equipment shall have both upper and lower controls (except ladder trucks need not have upper controls). The upper controls shall not be capable of rendering the lower controls inoperative. The lower controls should be located at or near the base of the aerial structure. If the lower controls are used, the operator shall have a view of the elevated employee(s) or there shall be communication between the operator and the employee in the elevated aerial structure: *Provided*, That no employee shall be raised, lowered, or moved into or from the elevated position in any aerial manlift equipment unless there is another employee,

not in the elevated aerial structure, available at the site to operate the lower controls, except as follows:

(a) Where there is a fixed method permanently attached to or part of the equipment which will permit an employee to descend from the elevated position without lowering the elevated structure; or

(b) Where there is a system which will provide operation from the elevated position in the event of failure or malfunction of the primary system.

Note: This section shall not be interpreted as an exception to any other rule in this chapter.

(20) Controls in aerial manlift equipment shall be protected from accidental operation. Controls of the outriggers shall also be protected from accidental operation. Such protection may be by guarding or equivalent means.

(21) The manufacturer's recommended maximum load limit shall be posted at a conspicuous place near each set of controls and shall be kept in a legible condition.

(22) The manufacturer's operator's instructional manual shall be kept on the vehicle.

(23) Operating instructions, proper sequence and maintenance procedures prescribed by the manufacturer for operation of the equipment shall be followed.

NEW SECTION

WAC 296-45-385 Overhead lines. This section provides additional requirements for work performed on or near overhead lines and equipment.

(1) General.

(a) Before elevated structures and adjacent structures, such as poles or towers of the adjacent supporting poles, structures, and conductor supporting hardware, are subjected to such stresses as climbing or the installation or removal of equipment may impose, the employer shall ascertain that the structures are capable of sustaining the additional or unbalanced stresses. If the pole or other structure cannot withstand the loads which will be imposed, it shall be braced or otherwise supported so as to prevent failure.

Note: Appendix C contains test methods that can be used in ascertaining whether a wood pole is capable of sustaining the forces that would be imposed by an employee climbing the pole. This paragraph also requires the employer to ascertain that the pole can sustain all other forces that will be imposed by the work to be performed.

(b) When poles are set, moved, or removed near exposed energized overhead conductors, the pole may not contact the conductors.

(c) When a pole is set, moved, or removed near an exposed energized overhead conductor, the employer shall ensure that each employee wears electrical protective equipment or uses insulated devices when handling the pole and that no employee contacts the pole with uninsulated parts of his or her body.

(d) To protect employees from falling into holes into which poles are to be placed, the holes shall be attended by employees or physically guarded whenever anyone is working nearby.

(2) Installing and removing overhead lines. The following provisions apply to the installation and removal of overhead conductors or cable.

(a) The employer shall use the tension stringing method, barriers, or other equivalent measures to minimize the possibility that conductors and cables being installed or removed will contact energized power lines or equipment.

(b) When conductors are being strung in or removed, they shall be kept under positive control to prevent accidental contact with energized circuit.

(c) The protective measures required by WAC 296-45-375 (10)(c) for mechanical equipment shall also be provided for conductors, cables, and pulling and tensioning equipment when the conductor or cable is being installed or removed close enough to energized conductors that any of the following failures could energize the pulling or tensioning equipment or the wire or cable being installed or removed:

- (i) Failure of the pulling or tensioning equipment;
- (ii) Failure of the wire or cable being pulled; or
- (iii) Failure of the previously installed lines or equipment.

(d) If the conductors being installed or removed cross over energized conductors in excess of 600 volts and if the design of the circuit-interrupting devices protecting the lines so permits, the automatic-reclosing feature of these devices shall be made inoperative.

(e) Before lines are installed parallel to existing energized lines, the employer shall make a determination of the approximate voltage to be induced in the new lines, or work shall proceed on the assumption that the induced voltage is hazardous. Unless the employer can demonstrate that the lines being installed are not subject to the induction of a hazardous voltage or unless the lines are treated as energized, the following requirements also apply:

(i) Each bare conductor shall be grounded in increments so that no point along the conductor is more than 2 miles (3.22 km) from a ground.

(ii) The grounds required in subsection (2)(e)(i) of this section shall be left in place until the conductor installation is completed between dead ends.

(iii) The grounds required in subsection (2)(e)(i) of this section shall be removed as the last phase of aerial cleanup.

(iv) If employees are working on bare conductors, grounds shall also be installed at each location where these employees are working, and grounds shall be installed at all open dead-end or catch-off points or the next adjacent structure.

(v) If two bare conductors are to be spliced, the conductors shall be bonded and grounded before being spliced.

(f) Reel handling equipment, including pulling and tensioning devices, shall be in safe operating condition and shall be leveled and aligned.

(g) Load ratings of stringing lines, pulling lines, conductor grips, load-bearing hardware and accessories, rigging, and hoists may not be exceeded.

(3) Pulling lines and accessories shall be inspected prior to each use and replaced or repaired when damaged or when there is a reasonable basis to doubt the dependability of such lines or accessories.

(4) Conductor grips may not be used on wire rope, unless the grip is specifically designed for this application.

(5) Reliable communications, through two-way radios or other equivalent means, shall be maintained between the reel tender and the pulling rig operator.

(6) The pulling rig may only be operated when it is safe to do so.

Note: Examples of unsafe conditions include employees in locations prohibited by subsection (7) of this section, conductor and pulling line hang-ups, and slipping of the conductor grip.

(7) While the conductor or pulling line is being pulled (in motion) with a power-driven device, employees are not permitted directly under overhead operations or on the cross arm, except as necessary to guide the stringing sock or board over or through the stringing sheave.

(8) Live-line bare-hand work is prohibited.

(9) When winches, trucks, or tractors are being used to raise poles, materials, to pull in wires, to pull slack or in any other operation, there shall be an operator at the controls unless the machinery or process is stopped.

(10) Leadworkers shall designate an employee to give signals when required.

(11) Raising poles, towers or fixtures in the close proximity of high voltage conductors shall be done under the supervision of a qualified employee.

(12) Employees shall not crawl over insulator strings but shall use a platform or other approved device to work from when making dead ends or doing other work beyond strings of insulators, at such distance that they cannot reach the work from the pole or fixture. While working on the platform or other device, they shall be secured with safety straps or a rope to prevent falling. The provision of this subsection does not apply to extra high voltage bundle conductors when the use of such equipment may produce additional hazard. Climbing over dead end assemblies is permissible only after they have been completed and pinned in the final position.

(13) Towers and structures. The following requirements apply to work performed on towers or other structures which support overhead lines.

(a) The employer shall ensure that no employee is under a tower or structure while work is in progress, except where the employer can demonstrate that such a working position is necessary to assist employees working above.

(b) Tag lines or other similar devices shall be used to maintain control of tower sections being raised or positioned, unless the employer can demonstrate that the use of such devices would create a greater hazard.

(c) The loadline may not be detached from a member or section until the load is safely secured.

(14) A transmission clipping crew shall have a minimum of two structures clipped in between the crew and the conductor being sagged.

(15) While on patrol at night and operating a motor vehicle on public highways, there shall be two employees, at least one of whom shall be a journey level lineworker or otherwise qualified employee. If repair to line or equipment is found to be of such nature as to require two lineworkers, work shall not proceed until additional help has been obtained provided that in cases of emergency where delay would increase the danger to life, limb, or substantial property, one employee may clear the hazard without assistance.

(16) Except during emergency restoration procedures, work shall be discontinued when adverse weather conditions

would make the work hazardous in spite of the work practices required by this section.

Note: Thunderstorms in the immediate vicinity, high winds, snow storms, and ice storms are examples of adverse weather conditions that are presumed to make this work too hazardous to perform, except under emergency conditions.

NEW SECTION

WAC 296-45-455 Line-clearance tree-trimming operations. This section provides additional requirements for line-clearance tree-trimming operations and for equipment used in these operations.

This section does not apply to qualified employees.

(1) Before an employee climbs, enters, or works around any tree, a determination shall be made of the nominal voltage of electric power lines posing a hazard to employees. However, a determination of the maximum nominal voltage to which an employee will be exposed may be made instead, if all lines are considered as energized at this maximum voltage.

(2) There shall be a second line-clearance tree trimmer within normal (that is, unassisted) voice communication under any of the following conditions:

(a) If a line-clearance tree trimmer is to approach more closely than 10 feet (305 cm) any conductor or electrical apparatus energized at more than 750 volts; or

(b) If branches or limbs being removed are closer to lines energized at more than 750 volts than the distances listed in Table 1, Table 4, and Table 5; or

(c) If roping is necessary to remove branches or limbs from such conductors or apparatus.

(3) Line-clearance tree trimmers shall maintain the minimum approach distances from energized conductors given in Table 1, Table 4, and Table 5.

(4) Branches that are contacting exposed energized conductors or equipment or that are within the distances specified in Table 1, Table 4, and Table 5 may be removed only through the use of insulating equipment.

Note: A tool constructed of a material that the employer can demonstrate has insulating qualities meeting WAC 296-45-305(1) are considered as insulated under this section if the tool is clean and dry.

(5) Ladders, platforms, and aerial devices may not be brought closer to an energized part than the distances listed in Table 1, Table 4, and Table 5.

(6) Line-clearance tree-trimming work may not be performed when adverse weather conditions make the work hazardous in spite of the work practices required by this section. Each employee performing line-clearance tree-trimming work in the aftermath of a storm or under similar emergency conditions shall be trained in the special hazards related to this type of work.

Note: Thunderstorms in the immediate vicinity, high winds, snow storms, and ice storms are examples of adverse weather conditions that are presumed to make line-clearance tree-trimming work too hazardous to perform safely.

(7) A tree trimmer may climb out of a basket into a tree or from a tree back into the basket so long as he is properly tied into the tree during the entire maneuver.

NEW SECTION

WAC 296-45-45505 Brush chippers. (1) Brush chippers shall be equipped with a locking device in the ignition system.

(2) Access panels for maintenance and adjustment of the chipper blades and associated drive train shall be in place and secure during operation of the equipment.

(3) Brush chippers not equipped with a mechanical infeed system shall be equipped with an infeed hopper of length sufficient to prevent employees from contacting the blades or knives of the machine during operation.

(4) Trailer chippers detached from trucks shall be chocked or otherwise secured.

(5) Each employee in the immediate area of an operating chipper feed table shall wear personal protective equipment as required by Subpart I of this Part.

NEW SECTION

WAC 296-45-45510 Sprayers and related equipment. (1) Walking and working surfaces of sprayers and related equipment shall be covered with slip-resistant material. If slipping hazards cannot be eliminated, slip-resistant footwear or handrails and stair rails meeting the requirements of chapter 296-24 WAC, Part J-1, may be used instead of slip-resistant material.

(2) Equipment on which employees stand to spray while the vehicle is in motion shall be equipped with guardrails around the working area. The guardrail shall be constructed in accordance with chapter 296-24 WAC, Part J-1.

NEW SECTION

WAC 296-45-45515 Stump cutters. (1) Stump cutters shall be equipped with enclosures or guards to protect employees.

(2) Each employee in the immediate area of stump grinding operations (including the stump cutter operator) shall wear personal protective equipment as required by WAC 296-45-25505.

NEW SECTION

WAC 296-45-45520 Backpack power units for use in pruning and clearing. (1) While a backpack power unit is running, no one other than the operator may be within 10 feet (305 cm) of the cutting head of a brush saw.

(2) A backpack power unit shall be equipped with a quick shutoff switch readily accessible to the operator.

(3) Backpack power unit engines shall be stopped for all cleaning, refueling, adjustments, and repairs to the saw or motor, except as the manufacturer's servicing procedures require otherwise.

NEW SECTION

WAC 296-45-45525 Rope. (1) Climbing ropes shall be used by employees working aloft in trees. These ropes shall have a minimum diameter of 0.5 inch (1.2 cm) with a minimum breaking strength of 2300 pounds (10.2 kN). Synthetic rope shall have elasticity of not more than 7 percent.

(2) Rope shall be inspected before each use and, if unsafe (for example, because of damage or defect), may not be used.

(3) Rope shall be stored away from cutting edges and sharp tools. Rope contact with corrosive chemicals, gas, and oil shall be avoided.

(4) When stored, rope shall be coiled and piled, or shall be suspended, so that air can circulate through the coils.

(5) Rope ends shall be secured to prevent their unraveling.

(6) Climbing rope may not be spliced to effect repair.

(7) A rope that is wet, that is contaminated to the extent that its insulating capacity is impaired, or that is otherwise not considered to be insulated for the voltage involved may not be used near exposed energized lines.

NEW SECTION

WAC 296-45-45530 Fall protection. Each employee shall be tied in with a climbing rope and safety saddle when the employee is working above the ground in a tree, unless he or she is ascending into the tree.

NEW SECTION

WAC 296-45-465 Communication facilities. (1) Microwave transmission. The employer shall ensure that no employee looks into an open waveguide or antenna that is connected to an energized microwave source.

(2) If the electromagnetic radiation level within an accessible area associated with microwave communications systems exceeds the radiation protection guide given in chapter 296-62 WAC, Part J-1. The area shall be posted with the warning symbol described in chapter 296-62 WAC, Part J-1. The lower half of the warning symbol shall include the following statements or ones that the employer can demonstrate are equivalent:

Radiation in this area may exceed hazard limitations and special precautions are required. Obtain specific instruction before entering.

(3) When an employee works in an area where the electromagnetic radiation could exceed the radiation protection guide, the employer shall institute measures that ensure that the employee's exposure is not greater than that permitted by that guide. Such measures may include administrative and engineering controls and personal protective equipment.

(4) Power line carrier. Power line carrier work, including work on equipment used for coupling carrier current to power line conductors, shall be performed in accordance with the requirements of this section pertaining to work on energized lines.

NEW SECTION

WAC 296-45-475 Substations. This section provides additional requirements for substations and for work performed in them.

(1) Access and working space. Sufficient access and working space shall be provided and maintained about electric equipment to permit ready and safe operation and maintenance of such equipment.

Note: Guidelines for the dimensions of access and working space about electric equipment in substations are contained in American National Standard-National Electrical Safety Code, ANSI C2-1997. Installations meeting the ANSI provisions comply with WAC 296-45-475(1). An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with WAC 296-45-475(1) if the employer can demonstrate that the installation provides ready and safe access based on the following evidence:

(a) That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;

(b) That the configuration of the installation enables employees to maintain the minimum approach distances required by WAC 296-45-325(5) while they are working on exposed, energized parts; and

(c) That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by access and working space meeting ANSI C2-1997.

(2) Draw-out-type circuit breakers. When draw-out-type circuit breakers are removed or inserted, the breaker shall be in the open position. The control circuit shall also be rendered inoperative, if the design of the equipment permits.

(3) Substation fences. Conductive fences around substations shall be grounded. When a substation fence is expanded or a section is removed, fence grounding continuity shall be maintained, and bonding shall be used to prevent electrical discontinuity.

(4) Guarding of rooms containing electric supply equipment.

(a) Rooms and spaces in which electric supply lines or equipment are installed shall meet the requirements of subsection (4)(b) through (e) of this section under the following conditions:

(i) If exposed live parts operating at 50 to 150 volts to ground are located within 8 feet of the ground or other working surface inside the room or space;

(ii) If live parts operating at 151 to 600 volts and located within 8 feet of the ground or other working surface inside the room or space are guarded only by location, as permitted under subsection (5)(a) of this section; or

(iii) If live parts operating at more than 600 volts are located within the room or space, unless:

(A) The live parts are enclosed within grounded, metal-enclosed equipment whose only openings are designed so that foreign objects inserted in these openings will be deflected from energized parts; or

(B) The live parts are installed at a height above ground and any other working surface that provides protection at the voltage to which they are energized corresponding to the protection provided by an 8-foot height at 50 volts.

(b) The rooms and spaces shall be so enclosed within fences, screens, partitions, or walls as to minimize the possibility that unqualified persons will enter.

(c) Signs warning unqualified persons to keep out shall be displayed at entrances to the rooms and spaces.

(d) Entrances to rooms and spaces that are not under the observation of an attendant shall be kept locked.

(e) Unqualified persons may not enter the rooms or spaces while the electric supply lines or equipment are energized.

(5) Guarding of energized parts.

(a) Guards shall be provided around all live parts operating at more than 150 volts to ground without an insulating covering, unless the location of the live parts gives sufficient horizontal or vertical or a combination of these

clearances to minimize the possibility of accidental employee contact.

Note: Guidelines for the dimensions of clearance distances about electric equipment in substations are contained in American National Standard-National Electrical Safety Code, ANSI C2-1997. Installations meeting the ANSI provisions comply with subsection (5)(a) of this section. An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with subsection (5)(a) of this section if the employer can demonstrate that the installation provides sufficient clearance based on the following evidence:

(i) That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;

(ii) That each employee is isolated from energized parts at the point of closest approach; and

(iii) That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by horizontal and vertical clearances meeting ANSI C2-1997.

(b) Except for fuse replacement and other necessary access by qualified persons, the guarding of energized parts within a compartment shall be maintained during operation and maintenance functions to prevent accidental contact with energized parts and to prevent tools or other equipment from being dropped on energized parts.

(c) When guards are removed from energized equipment, barriers shall be installed around the work area to prevent employees who are not working on the equipment, but who are in the area, from contacting the exposed live parts.

(6) Substation entry.

(a) Upon entering an attended substation, each employee other than those regularly working in the station shall report his or her presence to the employee in charge in order to receive information on special system conditions affecting employee safety.

(b) The job briefing required by WAC 296-45-135 shall cover such additional subjects as the location of energized equipment in or adjacent to the work area and the limits of any de-energized work area.

NEW SECTION

WAC 296-45-485 Power generation. This section provides additional requirements and related work practices for power generating plants.

NEW SECTION

WAC 296-45-48505 Interlocks and other safety devices. (1) Interlocks and other safety devices shall be maintained in a safe, operable condition.

(2) No interlock or other safety device may be modified to defeat its function, except for test, repair, or adjustment of the device.

NEW SECTION

WAC 296-45-48510 Changing brushes. Before exciter or generator brushes are changed while the generator is in service, the exciter or generator field shall be checked to determine whether a ground condition exists. The brushes may not be changed while the generator is energized if a ground condition exists.

NEW SECTION

WAC 296-45-48515 Access and working space. Sufficient access and working space shall be provided and maintained about electric equipment to permit ready and safe operation and maintenance of such equipment.

Note: Guidelines for the dimensions of access and workspace about electric equipment in generating stations are contained in American National Standard-National Electrical Safety Code, ANSI C2-1997. Installations meeting the ANSI provisions comply with this section. An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with this section if the employer can demonstrate that the installation provides ready and safe access based on the following evidence:

- (1) That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;
- (2) That the configuration of the installation enables employees to maintain the minimum approach distances required by this section while they work on exposed, energized parts; and
- (3) That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by access and working space meeting ANSI C2-1997.

NEW SECTION

WAC 296-45-48520 Guarding of rooms containing electric supply equipment. (1) Rooms and spaces in which electric supply lines or equipment are installed shall meet the requirements of this section under the following conditions:

- (a) If exposed live parts operating at 50 to 150 volts to ground are located within eight feet of the ground or other working surface inside the room or space;
- (b) If live parts operating at 151 to 600 volts and located within eight feet of the ground or other working surface inside the room or space are guarded only by location, as permitted under this section; or
- (c) If live parts operating at more than 600 volts are located within the room or space; unless:
 - (i) The live parts are enclosed within grounded, metal-enclosed equipment whose only openings are designed so that foreign objects inserted in these openings will be deflected from energized parts; or
 - (ii) The live parts are installed at a height above ground and any other working surface that provides protection at the voltage to which they are energized corresponding to the protection provided by an eight-foot height at 50 volts.

(2) The rooms and spaces shall be so enclosed within fences, screens, partitions, or walls as to minimize the possibility that unqualified persons will enter.

(3) Signs warning unqualified persons to keep out shall be displayed at entrances to the rooms and spaces.

(4) Entrances to rooms and spaces that are not under the observation of an attendant shall be kept locked.

(5) Unqualified persons may not enter the rooms or spaces while the electric supply lines or equipment are energized.

NEW SECTION

WAC 296-45-48525 Guarding of energized parts. (1) Guards shall be provided around all live parts operating at more than 150 volts to ground without an insulating covering, unless the location of the live parts gives sufficient horizontal or vertical or a combination of these clearances to minimize the possibility of accidental employee contact.

Note: Guidelines for the dimensions of clearance distances about electric equipment in generating stations are contained in American National Standard-National Electrical Safety Code ANSI C2-1997. Installations meeting the ANSI provision comply with this section. An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with this section if the employer can demonstrate that the installation provides sufficient clearance based on the following evidence:

- (a) That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;
- (b) That each employee is isolated from energized parts at the point of closest approach; and
- (c) That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by horizontal and vertical clearances meeting ANSI C2-1997.

(2) Except for fuse replacement or other necessary access by qualified persons, the guarding of energized parts within a compartment shall be maintained during operation and maintenance functions to prevent accidental contact with energized parts and to prevent tools or other equipment from being dropped on energized parts.

(3) When guards are removed from energized equipment, barriers shall be installed around the work area to prevent employees who are not working on the equipment, but who are in the area, from contacting the exposed live parts.

NEW SECTION

WAC 296-45-48530 Water or steam spaces. The following requirements apply to work in water and steam spaces associated with boilers:

(1) A designated employee shall inspect condition before work is permitted and after its completion. Eye protection, or full face protection if necessary, shall be worn at all times when condenser, heater, or boiler tubes are being cleaned.

(2) Where it is necessary for employees to work near tube ends during cleaning, shielding shall be installed at the tube ends.

NEW SECTION

WAC 296-45-48535 Chemical cleaning of boilers and pressure vessels. The following requirements apply to chemical cleaning of boilers and pressure vessels:

(1) Areas where chemical cleaning is in progress shall be cordoned off to restrict access during cleaning. If flammable liquids, gases, or vapors or combustible materials will be used or might be produced during the cleaning process, the following requirements also apply:

(a) The area shall be posted with signs restricting entry and warning of the hazards of fire and explosion; and

(b) Smoking, welding, and other possible ignition sources are prohibited in these restricted areas.

(2) The number of personnel in the restricted area shall be limited to those necessary to accomplish the task safely.

(3) There shall be ready access to water or showers for emergency use.

Note: See chapter 296-24 WAC, Part B for requirements that apply to the water supply and to washing facilities.

(4) Employees in restricted areas shall wear protective equipment meeting the requirements of this chapter and

including, but not limited to, protective clothing, boots, goggles, and gloves.

NEW SECTION

WAC 296-45-48540 Chlorine systems. (1) Chlorine system enclosures shall be posted with signs restricting entry and warning of the hazard to health and the hazards of fire and explosion.

Note: See chapter 296-62 WAC for requirements necessary to protect the health of employees from the effects of chlorine.

(2) Only designated employees may enter the restricted area. Additionally, the number of personnel shall be limited to those necessary to accomplish the task safely.

(3) Emergency repair kits shall be available near the shelter or enclosure to allow for the prompt repair of leaks in chlorine lines, equipment, or containers.

(4) Before repair procedures are started, chlorine tanks, pipes, and equipment shall be purged with dry air and isolated from other sources of chlorine.

(5) The employer shall ensure that chlorine is not mixed with materials that would react with the chlorine in a dangerously exothermic or other hazardous manner.

NEW SECTION

WAC 296-45-48545 Boilers. (1) Before internal furnace or ash hopper repair work is started, overhead areas shall be inspected for possible falling objects. If the hazard of falling objects exists, overhead protection such as planking or nets shall be provided.

(2) When opening an operating boiler door, employees shall stand clear of the opening of the door to avoid the heat blast and gases which may escape from the boiler.

NEW SECTION

WAC 296-45-48550 Turbine generators. (1) Smoking and other ignition sources are prohibited near hydrogen or hydrogen sealing systems, and signs warning of the danger of explosion and fire shall be posted.

(2) Excessive hydrogen makeup or abnormal loss of pressure shall be considered as an emergency and shall be corrected immediately.

(3) A sufficient quantity of inert gas shall be available to purge the hydrogen from the largest generator.

NEW SECTION

WAC 296-45-48555 Coal and ash handling. (1) Only designated persons may operate railroad equipment.

(2) Before a locomotive or locomotive crane is moved, a warning shall be given to employees in the area.

(3) Employees engaged in switching or dumping cars may not use their feet to line up drawheads.

(4) Drawheads and knuckles may not be shifted while locomotives or cars are in motion.

(5) When a railroad car is stopped for unloading, the car shall be secured from displacement that could endanger employees.

(6) An emergency means of stopping dump operations shall be provided at railcar dumps.

(7) The employer shall ensure that employees who work in coal- or ash-handling conveyor areas are trained and knowledgeable in conveyor operation and in the requirements of this section.

(8) Employees may not ride a coal- or ash-handling conveyor belt at any time. Employees may not cross over the conveyor belt, except at walkways, unless the conveyor's energy source has been de-energized and has been locked out or tagged in accordance with WAC 296-45-175.

(9) A conveyor that could cause injury when started may not be started until personnel in the area are alerted by a signal or by a designated person that the conveyor is about to start.

(10) If a conveyor that could cause injury when started is automatically controlled or is controlled from a remote location, an audible device shall be provided that sounds an alarm that will be recognized by each employee as a warning that the conveyor will start and that can be clearly heard at all points along the conveyor where personnel may be present. The warning device shall be actuated by the device starting the conveyor and shall continue for a period of time before the conveyor starts that is long enough to allow employees to move clear of the conveyor system. A visual warning may be used in place of the audible device if the employer can demonstrate that it will provide an equally effective warning in the particular circumstances involved.

Note: Exception: If the employer can demonstrate that the system's function would be seriously hindered by the required time delay, warning signs may be provided in place of the audible warning device. If the system was installed before November 20, 1995, warning signs may be provided in place of the audible warning device until such time as the conveyor or its control system is rebuilt or rewired. These warning signs shall be clear, concise, and legible and shall indicate that conveyors and allied equipment may be started at any time, that danger exists, and that personnel must keep clear. These warning signs shall be provided along the conveyor at areas not guarded by position or location.

(11) Remotely and automatically controlled conveyors, and conveyors that have operating stations which are not manned or which are beyond voice and visual contact from drive areas, loading areas, transfer points, and other locations on the conveyor path not guarded by location, position, or guards shall be furnished with emergency stop buttons, pull cords, limit switches, or similar emergency stop devices. However, if the employer can demonstrate that the design, function, and operation of the conveyor do not expose an employee to hazards, an emergency stop device is not required.

(a) Emergency stop devices shall be easily identifiable in the immediate vicinity of such locations.

(b) An emergency stop device shall act directly on the control of the conveyor involved and may not depend on the stopping of any other equipment.

(c) Emergency stop devices shall be installed so that they cannot be overridden from other locations.

(12) Where coal-handling operations may produce a combustible atmosphere from fuel sources or from flammable gases or dust, sources of ignition shall be eliminated or safely controlled to prevent ignition of the combustible atmosphere.

PROPOSED

Note: Locations that are hazardous because of the presence of combustible dust are classified as Class II hazardous locations. See chapter 296-24 WAC, Part L.

(13) An employee may not work on or beneath overhanging coal in coal bunkers, coal silos, or coal storage areas, unless the employee is protected from all hazards posed by shifting coal.

(14) An employee entering a bunker or silo to dislodge the contents shall wear a body harness with lifeline attached. The lifeline shall be secured to a fixed support outside the bunker and shall be attended at all times by an employee located outside the bunker or facility.

NEW SECTION

WAC 296-45-48560 Hydroplants and equipment. Employees working on or close to water gates, valves, intakes, forebays, flumes, or other locations where increased or decreased water flow or levels may pose a significant hazard shall be warned and shall vacate such dangerous areas before water flow changes are made.

NEW SECTION

WAC 296-45-525 Special conditions.

NEW SECTION

WAC 296-45-52505 Capacitors. The following additional requirements apply to work on capacitors and on lines connected to capacitors.

Note: See WAC 296-45-335 through 296-45-345 for requirements pertaining to the de-energizing and grounding of capacitor installations.

(1) Before employees work on capacitors, the capacitors shall be disconnected from energized sources and, after a wait of at least 5 minutes from the time of disconnection, short-circuited.

(2) Before the units are handled, each unit in series-parallel capacitor banks shall be short-circuited between all terminals and the capacitor case or its rack. If the cases of capacitors are on ungrounded substation racks, the racks shall be bonded to ground.

(3) Any line to which capacitors are connected shall be short-circuited before it is considered de-energized.

(4) After removal from service, short circuits shall remain on capacitors in storage until returned to service.

NEW SECTION

WAC 296-45-52510 Current transformer secondaries. The secondary of a current transformer may not be opened while the transformer is energized. If the primary of the current transformer cannot be de-energized before work is performed on an instrument, a relay, or other section of a current transformer secondary circuit, the circuit shall be bridged so that the current transformer secondary will not be opened.

NEW SECTION

WAC 296-45-52515 Series streetlighting. (1) If the open-circuit voltage exceeds 600 volts, the series street lighting circuit shall be worked in accordance with WAC 296-45-215 or 296-45-385, as appropriate.

(2) A series loop may only be opened after the street-lighting transformer has been de-energized and isolated from the source of supply or after the loop is bridged to avoid an open-circuit condition.

NEW SECTION

WAC 296-45-52520 Illumination. Sufficient illumination shall be provided to enable the employee to perform the work safely.

NEW SECTION

WAC 296-45-52525 Protection against drowning. (1) Whenever an employee may be pulled or pushed or may fall into water where the danger of drowning exists, the employee shall be provided with and shall use U.S. Coast Guard approved personal flotation devices.

(2) Each personal flotation device shall be maintained in safe condition and shall be inspected frequently enough to ensure that it does not have rot, mildew, water saturation, or any other condition that could render the device unsuitable for use.

(3) An employee may cross streams or other bodies of water only if a safe means of passage, such as a bridge, is provided.

NEW SECTION

WAC 296-45-52530 Employee protection in public work areas. (1) Traffic control signs and traffic control devices used for the protection of employees shall meet the requirements of chapter 296-155 WAC, Part E.

(2) Before work is begun in the vicinity of vehicular or pedestrian traffic that may endanger employees, warning signs or flags and other traffic control devices shall be placed in conspicuous locations to alert and channel approaching traffic.

(3) Where additional employee protection is necessary, barricades shall be used.

(4) Excavated areas shall be protected with barricades.

(5) At night, warning lights shall be prominently displayed.

NEW SECTION

WAC 296-45-52535 Backfeed. If there is a possibility of voltage backfeed from sources of cogeneration or from the secondary system (for example, backfeed from more than one energized phase feeding a common load), the requirements of WAC 296-45-325 apply if the lines or equipment are to be worked as energized, and the requirements of WAC 296-45-335 and 296-45-345 apply if the lines or equipment are to be worked as de-energized.

NEW SECTION

WAC 296-45-52540 Lasers. Laser equipment shall be installed, adjusted, and operated in accordance with WAC 296-155-155.

NEW SECTION

WAC 296-45-52545 Hydraulic fluids. Hydraulic fluids used for the insulated sections of equipment shall provide insulation for the voltage involved.

NEW SECTION

WAC 296-45-52550 Foreign attachments and placards. Nails and unauthorized attachments should be removed before climbing above such attachments. When through bolts present a hazard to climbing, they shall be trimmed to a safe length.

NEW SECTION

WAC 296-45-545 Trolley maintenance, jumpering or bypassing. (1) Energized trolley wire shall be jumpered when it is to be opened or cut.

(2) Reaching over trolley wire(s) or system(s). Lineworkers shall not reach over trolley wire(s) unless properly protected by line hose or rubber blanket.

(3) Reaching across sectional insulators. Lineworkers shall not reach across section insulator(s), insulated spacer(s) or insulated approach.

(4) Polarity on either side of sectionalizing breakers. Since the polarity on both sides of a sectionalizing insulator may be different, it is required that prior to performance of work, tests be performed with approved testing equipment to determine whether or not the polarity is the same or different on one side of the sectional insulator as compared with the other.

(5) Working on hangers. More than one truck crew shall not work on hangers attached to the same span at the same time, without rubber protection.

(6) Workers on hangers of opposite polarity. Trolley hangers and ears of opposite polarity shall not be worked on at the same time when trolley wire is energized.

(7) Checking electric switches. When electric switches are checked for operation, making it necessary to short circuit the contactor to each trolley wire, tools with insulated handles shall be used.

(8) Short circuit due to use of noninsulated or conductive long handled tools. When a hazard of short circuit exists, due to use of noninsulated or conductive long handled tools, approved protective rubber equipment shall be used as provided in this chapter.

(9) Trolley feeders. When work is to be performed on street railway trolley feeders where it is necessary for workers to work from metal or other grounded poles or fixtures or on poles or fixtures on which grounds are maintained, the feeders shall be de-energized unless the poles or fixtures are insulated before the work is started with approved protective devices in such manner that employees cannot become grounded while working on the feeders, and employees shall wear approved rubber gloves.

(10) Truck driver shall remain at tower controls while workers are working on towers except when the aerial

manlift equipment has been properly chocked to prevent uncontrolled movement. Tower trucks shall be equipped with a reliable signaling device between the employees working on the tower and the truck driver.

(11) Working on truck towers. Employees shall not stand on tower gates or railings. Work shall not be done from plank(s) placed on tower railings.

(12) Tower truck railings. Towers shall have standard railings and toeboards around the tower and all railings shall be constructed of wood, fiberglass or other nonmetallic material. All railings shall be a vertical height of not less than 36 inches or more than 42 inches from the floor of the platform to the upper surface of the top rail. Intermediate railings shall be midway between the floor and the underside of the top rail. Tower gates shall be so constructed as to prevent accidental opening.

(13) Tower truck decks shall be kept clear of tools, wire and other materials and tools shall be kept in proper storage area when not in use.

(14) Lineworkers shall not wear climbers or spurs while working on a tower truck.

AMENDATORY SECTION (Amending Order 94-16, filed 9/30/94, effective 11/20/94)

WAC 296-45-67543 ((General)) Working near helicopters. No employee shall work under or in the near vicinity of helicopters unless the operator has a valid license for operating the craft, knows the signals to be used, has been present at the last briefing held and knows these rules. No employee shall work under or near such craft if the operator is under the influence of intoxicating beverages or prescription medications which affect his/her ability, nor shall any employee work under or near such craft if the operator is careless or engages in any negligent or reckless operation of the helicopter.

NEW SECTION

WAC 296-45-900 Appendices. Nonmandatory.

PROPOSED

NEW SECTION

WAC 296-45-901 Appendix A—Nonmandatory.

TABLE 2
AC Live Work Minimum Approach Distance With Transient Overvoltage Factor

Maximum anticipated per-unit transient overvoltage	Distance to employee in feet-inches, phase to ground						
	Air, bare-hand, and clear live-line tool						
	Maximum phase-to-phase voltage in kilovolts						
	121	145	169	242	362	550	800
1.5						6-0	9-8
1.6						6-6	10-8
1.7						7-0	11-8
1.8						7-7	12-8
1.9						8-1	13-9
2.0	2-5	2-9	3-0	3-10	5-3	8-9	14-11
2.1	2-6	2-10	3-2	4-0	5-5	9-4	
2.2	2-7	2-11	3-3	4-1	5-9	9-11	
2.3	2-8	3-0	3-4	4-3	6-1	10-6	
2.4	2-9	3-1	3-5	4-5	6-4	11-3	
2.5	2-9	3-2	3-6	4-6	6-8		
2.6	2-10	3-3	3-8	4-8	7-1		
2.7	2-11	3-4	3-9	4-10	7-5		
2.8	3-0	3-5	3-10	4-11	7-9		
2.9	3-1	3-6	3-11	5-1	8-2		
3.0	3-2	3-7	4-0	5-3	8-6		

PROPOSED

TABLE 3
AC Live Work Minimum Approach Distance With Transient Overvoltage Factor

Maximum anticipated per-unit transient overvoltage	Distance to employee in feet-inches, phase to ground						
	Air, bare-hand, and clear live-line tool						
	Maximum phase-to-phase voltage in kilovolts						
	121	145	169	242	362	550	800
1.5						7-4	12-1
1.6						8-9	14-6
1.7						10-2	17-2
1.8						11-7	19-11
1.9						13-2	22-11
2.0	3-7	4-1	4-8	6-1	8-7	14-10	26-0
2.1	3-7	4-2	4-9	6-3	8-10	15-7	
2.2	3-8	4-3	4-10	6-4	9-2	16-4	
2.3	3-9	4-4	4-11	6-6	9-6	17-2	
2.4	3-10	4-5	5-0	6-7	9-11	18-1	
2.5	3-11	4-6	5-2	6-9	10-4		
2.6	4-0	4-7	5-3	6-11	10-9		
2.7	4-1	4-8	5-4	7-0	11-2		
2.8	4-1	4-9	5-5	7-2	11-7		
2.9	4-2	4-10	5-6	7-4	12-1		
3.0	4-3	4-11	5-8	7-6	12-6		

PROPOSED

TABLE 4
DC Live Work Minimum Approach Distance With Transient Overvoltage Factor

Maximum anticipated per-unit transient overvoltage	Distance to employee in feet, conductor to ground				
	Air, bare-hand, and clear live-line tool				
	Maximum phase-to-phase voltage in kilovolts				
	250	400	500	600	750
1.5 or lower	3-8	5-3	6-9	8-7	10-11
1.6	3-10	5-7	7-4	9-5	13-1
1.7	4-1	6-0	7-11	10-3	14-4
1.8	4-3	6-5	8-7	11-2	15-9

TABLE 5
Altitude Correction Factor

Altitude		Correction factor
(m)	(ft)	
900	3000	1.00
1200	4000	1.02
1500	5000	1.05
1800	6000	1.08
2100	7000	1.11
2400	8000	1.14
2700	9000	1.17
3000	10,000	1.20
3600	12,000	1.25
4200	14,000	1.30
4800	16,000	1.35
5400	18,000	1.39
6000	20,000	1.44

PROPOSED

NEW SECTION**WAC 296-45-903 Appendix B - Protection from Step and Touch Potentials—Nonmandatory.****I. "Introduction"**

When a ground fault occurs on a power line, voltage is impressed on the "grounded" object faulting the line. The voltage to which this object rises depends largely on the voltage on the line, on the impedance of the faulted conductor, and on the impedance to "true," or "absolute," ground represented by the object. If the object causing the fault represents a relatively large impedance, the voltage impressed on it is essentially the phase-to-ground system voltage. However, even faults to well grounded transmission towers or substation structures can result in hazardous voltages.⁽¹⁾ The degree of the hazard depends upon the magnitude of the fault current and the time of exposure.

Footnote⁽¹⁾ This appendix provides information primarily with respect to employee protection from contact between equipment being used and an energized power line. The information presented is also relevant to ground faults to transmission towers and substation structures; however, grounding systems for these structures should be designed to minimize the step and touch potentials involved.

II. "Voltage-Gradient Distribution"**A. Voltage-Gradient Distribution Curve**

The dissipation of voltage from a grounding electrode (or from the grounded end of an energized grounded object) is called the ground potential gradient. Voltage drops associated with this dissipation of voltage are called ground potentials. Figure A is a typical voltage-gradient distribution curve (assuming a uniform soil texture). This graph shows that voltage decreases rapidly with increasing distance from the grounding electrode.

PROPOSED

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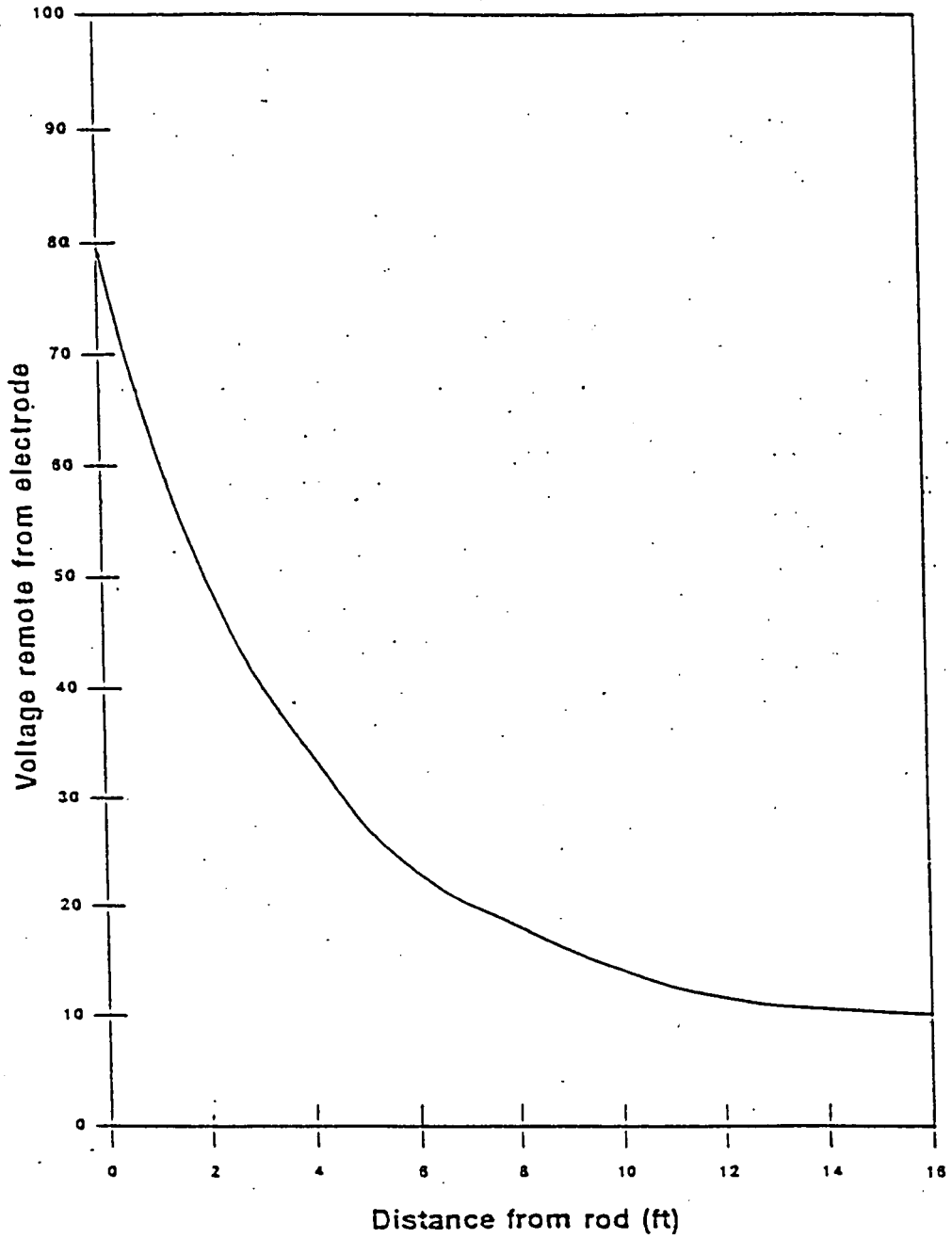
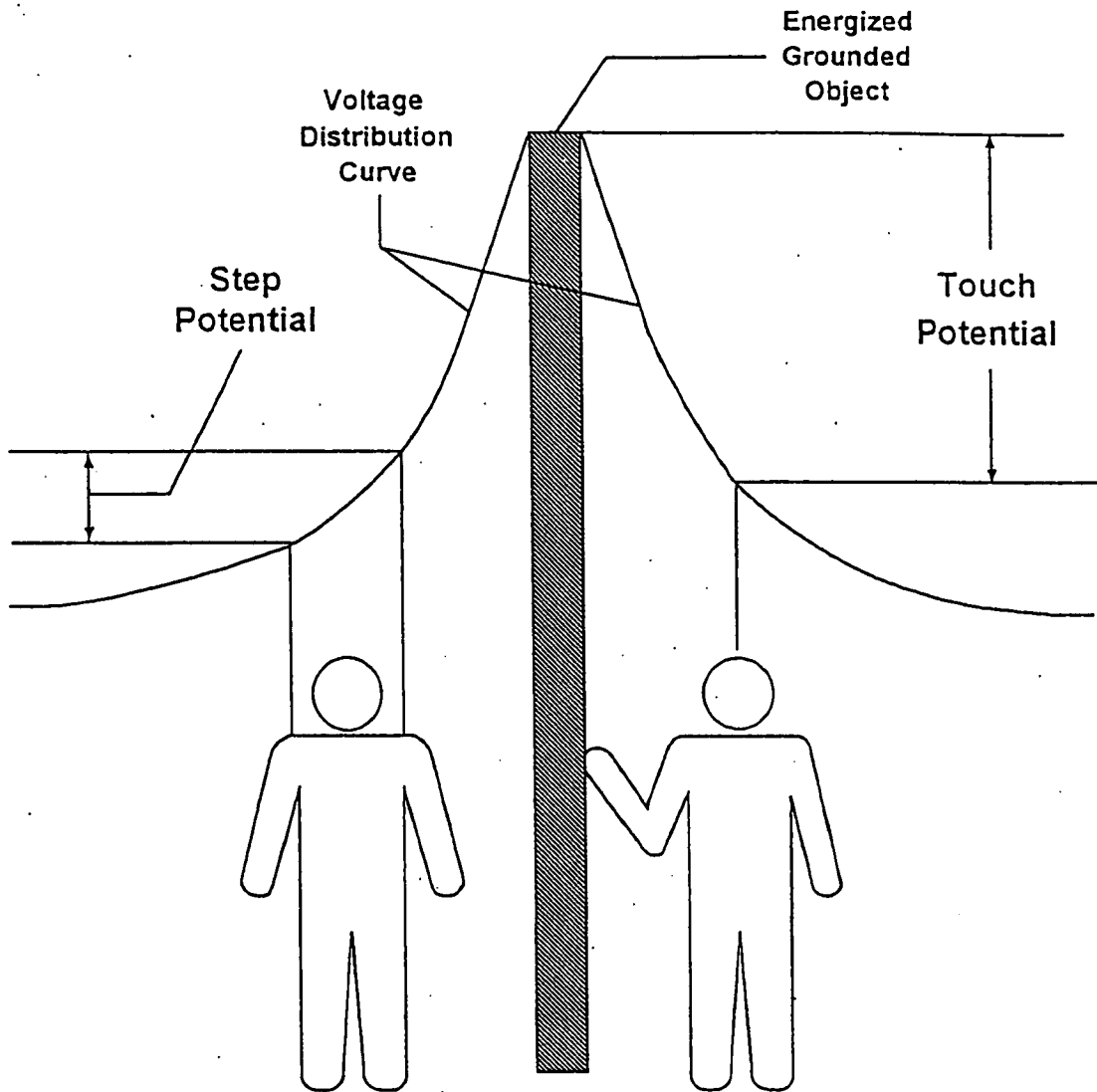


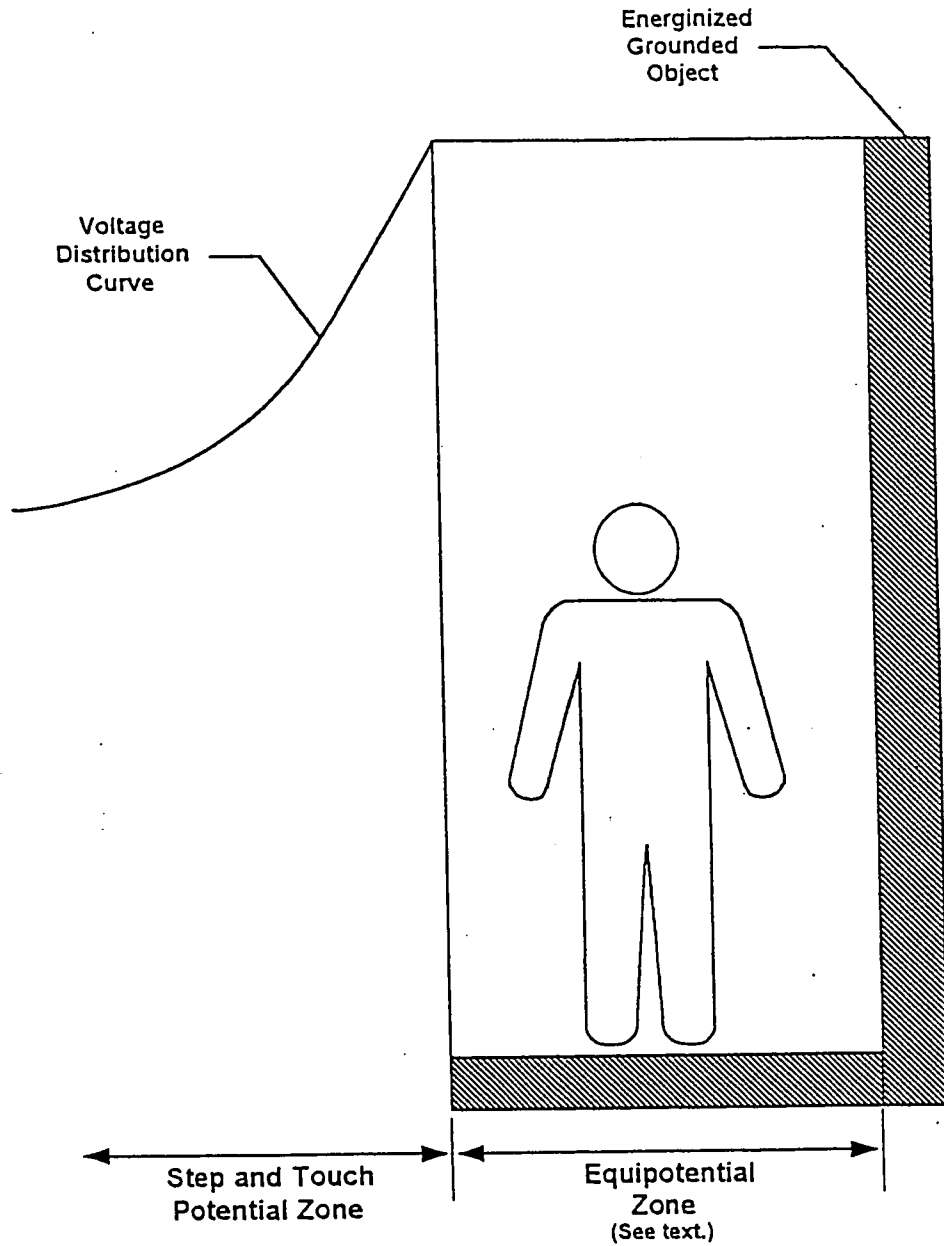
Figure A - Typical Voltage-Gradient Distribution Curve



PROPOSED

Figure B - Step and Touch Potentials

PROPOSED



C
Figure 8 -- Protection from Ground-Potential Gradients

NEW SECTION

WAC 296-45-905 Appendix C - Methods of Inspecting and Testing Wood Poles—Nonmandatory.

I. "Introduction"

When work is to be performed on a wood pole, it is important to determine the condition of the pole before it is climbed. The weight of the employee, the weight of equipment being installed, and other working stresses (such as the removal or retensioning of conductors) can lead to the failure of a defective pole or one that is not designed to

handle the additional stresses.⁽¹⁾ For these reasons, it is essential that an inspection and test of the condition of a wood pole be performed before it is climbed.

Footnote⁽¹⁾

A properly guyed pole in good condition should, at a minimum, be able to handle the weight of an employee climbing it. If the pole is found to be unsafe to climb or to work from, it must be secured so that it does not fail while an employee is on it.

The pole can be secured by a line truck boom, by ropes or guys or by lashing a new pole alongside it. If a new one is lashed alongside the defective pole, work should be performed from the new one.

II. "Inspection of Wood Poles"

Wood poles should be inspected by a qualified employee for the following conditions:⁽²⁾

Footnote⁽²⁾ The presence of any of these conditions is an indication that the pole may not be safe to climb or to work from. The employee performing the inspection must be qualified to make a determination as to whether or not it is safe to perform the work without taking additional precautions.

A. General Condition

The pole should be inspected for buckling at the ground line and for an unusual angle with respect to the ground. Buckling and odd angles may indicate that the pole has rotted or is broken.

B. Cracks

The pole should be inspected for cracks. Horizontal cracks perpendicular to the grain of the wood may weaken the pole. Vertical ones, although not considered to be a sign of a defective pole, can pose a hazard to the climber, and the employee should keep his or her gaffs away from them while climbing.

C. Holes

Hollow spots and woodpecker holes can reduce the strength of a wood pole.

D. Shell Rot and Decay

Rotting and decay are cutout hazards and are possible indications of the age and internal condition of the pole.

E. Knots

One large knot or several smaller ones at the same height on the pole may be evidence of a weak point on the pole.

F. Depth of Setting

Evidence of the existence of a former ground line substantially above the existing ground level may be an indication that the pole is no longer buried to a sufficient extent.

G. Soil Conditions

Soft, wet, or loose soil may not support any changes of stress on the pole.

H. Burn Marks

Burning from transformer failures or conductor faults could damage the pole so that it cannot withstand mechanical stress changes.

III. "Testing of Wood Poles"

The following tests are recognized as acceptable methods of testing wood poles:

A. Hammer Test

Rap the pole sharply with a hammer weighing about 3 pounds, starting near the ground line and continuing upwards circumferentially around the pole to a height of approximately 6 feet. The hammer will produce a clear sound and rebound sharply when striking sound wood. Decay pockets will be indicated by a dull sound or a less pronounced hammer rebound. Also, prod the pole as near the ground line as possible using a pole prod or a screwdriver with a blade at least 5 inches long. If substantial decay is encountered, the pole is considered unsafe.

B. Rocking Test

Apply a horizontal force to the pole and attempt to rock it back and forth in a direction perpendicular to the line. Caution must be exercised to avoid causing power lines to swing together. The force may be applied either by pushing with a pike pole or pulling with a rope. If the pole cracks during the test, it shall be considered unsafe.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-45-60013	Hand and portable powered tools.
WAC 296-45-650	Electrical workers safety rules—Foreword.
WAC 296-45-65003	Scope and application.
WAC 296-45-65005	Definitions.
WAC 296-45-65009	Employer's responsibility.
WAC 296-45-65011	Leadworker's responsibility.
WAC 296-45-65013	Leadworker-employee responsibility.
WAC 296-45-65015	Work required of leadworkers.
WAC 296-45-65017	Employee's responsibility.
WAC 296-45-65019	First aid.
WAC 296-45-65021	Tools and protective equipment.
WAC 296-45-65023	Clearances, operating power lines and equipment.
WAC 296-45-65026	Personal protective grounding.
WAC 296-45-65027	General requirements.
WAC 296-45-65029	Overhead lines.
WAC 296-45-65031	Poles and pole settings.
WAC 296-45-65033	Transmission line construction.
WAC 296-45-65035	Substations.
WAC 296-45-65037	Underground.
WAC 296-45-65038	Underground residential distribution (URD).
WAC 296-45-65039	Trolley maintenance, jumpering or bypassing.
WAC 296-45-65041	Aerial manlift equipment.
WAC 296-45-65043	All motor vehicle and trailer operations.
WAC 296-45-65045	Material handling.
WAC 296-45-65047	Specification for lineworker's belts and similar equipment.
WAC 296-45-660	Tree trimming.
WAC 296-45-66001	Electrical hazards.
WAC 296-45-66003	Tools and protective equipment.
WAC 296-45-66005	Insulated tools used for tree trimming.
WAC 296-45-66007	Aerial manlift equipment.
WAC 296-45-66009	All motor vehicle and trailer operations.
WAC 296-45-66011	Working in proximity to electrical hazards.
WAC 296-45-680	Communication facilities.
WAC 296-45-690	Power generation.
WAC 296-45-695	Hazardous energy control (lockout/tagout) procedures.
WAC 296-45-700	Testing and test facilities.

WSR 97-21-148

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed October 22, 1997, 10:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-17-093.

Title of Rule: WAC 390-20-110 Forms for lobbyist employers report and 390-16-071 Annual report of major contributors and persons making independent expenditures.

Purpose: Adjust for inflation the dollar code values and the reporting threshold used for reporting compensation payments made by lobbyist employers on their L-3 reports and by persons required to file the C-7 form, the Annual Report of Persons Making Independent Expenditures.

Statutory Authority for Adoption: RCW 42.17.370 (1) and (11).

Statute Being Implemented: RCW 42.17.180.

Reasons Supporting Proposal: Both disclosure reports mandated by RCW 42.17.180 require the filer to report various types of political expenditures, including compensation paid (1) to state elected officials, successful candidates for state office and members of their immediate families, and (2) to a corporation or other entity in which an elected official, successful state office candidate or family member holds an office, partnership, directorship or ownership interest of 10% or more.

The commission is proposing that the threshold for reporting compensation payments be raised from \$1,000 to \$1,500, to conform with a comparable compensation threshold used by public officials to report the receipt of compensation on his or her F-1 statement. Also, the dollar code amounts used to show the range of compensation paid would be adjusted to match the dollar code amounts used by officials to show the range of compensation received.

Both reports also require the filer to report independent expenditures totaling \$500 or more supporting or opposing state office candidates or state-wide ballot measures. Since the statutory definition of independent expenditures includes a threshold amount (which is adjusted for inflation every two years), the commission is proposing to remove the qualifier "totaling \$500 or more" from the language on the forms as it is unnecessary and out-of-date.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, 711 Capitol Way, Room 403, Olympia, (360) 586-4838; and **Enforcement:** Susan Harris, 711 Capitol Way, Room 403, Olympia, (360) 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes would foster continuity in the reporting of both compensation paid (by lobbyist employers) and compensation received (by public officials).

Elimination of the reference to a threshold at which independent expenditures are to be reported will remove a source of apparent contradiction between the amount specified in the statutory definition (which is adjusted for inflation) and the amount shown on the form (which, for practical reasons, cannot be amended at the same time that the law requires the statutory threshold to be adjusted for inflation).

Proposal Changes the Following Existing Rules: Both the L-3 Lobbyist Employer Reporting form and the C-7 Special Political Expenditures Reports would be changed to

show the revised compensation threshold, the new dollar code values and to eliminate a threshold amount for reporting independent expenditures.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule-making activity only impacts lobbyist employers and others making a certain level of campaign expenditures who also pay compensation to public officials or their family members or to a business owned or operated by officials or their family members.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not an agency listed in subsection (5)(a)(i) of section 201. Further, the Public Disclosure Commission does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) or section 201, and to date, JARRC has not made section 201 applicable to this rule adoption.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way, Olympia, WA 98501, on November 25, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Call Public Disclosure Commission at (360) 753-1111.

Submit Written Comments to: Vicki Rippie, Assistant Director, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, FAX (360) 753-1112, by November 14, 1997.

Date of Intended Adoption: November 25, 1997.

October 22, 1997

Melissa Warheit
Executive Director

AMENDATORY SECTION (Amending WSR 96-01-103, filed 12/19/95)

WAC 390-20-110 Forms for lobbyist employers report. The official form for statement by employers of registered lobbyists as required by RCW 42.17.180 is designated "L-3," revised ((11/95)) 1/98. Copies of this form are available at the commission office 711 Capitol Way, Room 403, Evergreen Plaza Building, PO Box 40908, Olympia, Washington, 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.

PUBLIC DISCLOSURE COMMISSION
711 CAPITOL WAY RM 403
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111

EMPLOYER'S LOBBYING EXPENSES

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1. Employer's Name (Use complete company, association, union or entity name.)

11/95

Attention (Identify person to whom inquiries about the information below should be directed; NOT the lobbyist.)

Mailing Address

Telephone

City

State

Zip + 4

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Include expenditures made and accrued during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.

2. Identify each of your lobbyists/lobbying firms below. In column 1, show the full amount of salary or fee each earned for lobbying. In column 2, show the full amount paid (plus obligated) for other lobbying related expenses that were made by or through the lobbyist and reported by the lobbyist on the monthly L-2 report (e.g., contributions to legislative candidates, reimbursement for entertainment expenses, etc.). Compute the subtotals across and down the columns; put the grand total of expenses incurred by or through lobbyists in the space designated.

Names of Registered Lobbyists (if payments were to lobbying firm, list firm name)	Col 1-Salary	Col 2-Other	Total Amount
Total From Attached Page			
<input type="checkbox"/> Information continued on attached pages			Total Expenses By or Through Lobbyists

DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing Items 3 through 7 below.

3. Other expenditures made by the employer for lobbying purposes. Show total expenditures made/accrued:
- a. to vendors on behalf of or in support of registered lobbyists (e.g., entertainment credit card purchases); _____
 - b. to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort; _____
 - c. for entertainment, tickets, passes, travel expenses (e.g., transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families; (Also complete Item 9.) _____
 - d. for composing, designing, producing and distributing informational materials for use primarily to influence legislation; and _____
 - e. for grass roots lobbying expenses, including those previously reported by employer on Form L-6, and payments for lobbying communications to clients/customers (other than to corporate stockholders and members of an organization or union). _____
4. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. (Also complete Item 10.)
- a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c. _____
 - b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this L-3 report.)
Name of PAC _____
5. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. (Also complete Item 11.) _____
6. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. (Normal course of business payments are not reportable.) (Also complete Item 14.) _____
7. Other lobbying-related expenditures, whether through or on behalf of a registered lobbyist. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not include payments accounted for above. _____
- Total Lobbying Expenses**
(Items 2 thru 7)

8. This report must be certified by the president, secretary-treasurer or similar officer of lobbying employer.

Certification: I certify that this report is true, complete and correct to the best of my knowledge.

Signature of Employer Officer

Date

Printed Name and Title of Officer:

CONTINUED ON REVERSE:))

PROPOSED

PROPOSED

9. Entertainment, tickets, passes, travel expenses (including transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.

Name and Title	Cost or Value	Date and Description of Expense
<input type="checkbox"/> Information continued on attached pages		

10. Contributions (not reported by the lobbyist) totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure. Do not list employer-affiliated PAC contributions.

Name of Recipient	Amount	Date (and, if In-Kind, Description)
<input type="checkbox"/> Information continued on attached pages		

11. Independent expenditures totaling \$500 or more in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot proposition. See instruction manual for definition of "Independent expenditure" and correct way to determine if threshold has been met.

Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)
<input type="checkbox"/> Information continued on attached pages		

12. Compensation of \$1,000 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family.

Name	Relationship to Candidate or Elected Official, if Member of Family	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

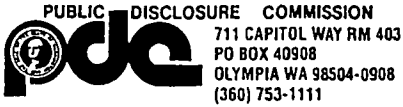
DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

13. Compensation of \$1,000 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family holds office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

14. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name	Amount	Date and Purpose
<input type="checkbox"/> Information continued on attached pages		



Employer's Lobbying Expenses

L3	P D C O F F I C E U S E	
		1/98

1. Employer's Name (Use complete company, association, union or entity name.)

Attention (Identify person to whom inquiries about the information below should be directed; NOT the lobbyist.)

Mailing Address Telephone

City State Zip + 4

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Include expenditures made and accrued during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.

2. Identify each of your lobbyists/lobbying firms below. In column 1, show the full amount of salary or fee each earned for lobbying. In column 2, show the full amount paid (plus obligated) for other lobbying related expenses that were made by or through the lobbyist and reported by the lobbyist on the monthly L-2 report (e.g., contributions to legislative candidates, reimbursement for entertainment expenses, etc.). Compute the subtotals across and down the columns; put the grand total of expenses incurred by or through lobbyists in the space designated.

Names of Registered Lobbyists (if payments were to lobbying firm, list firm name)	Col 1-Salary	Col 2-Other	Total Amount
Total From Attached Page			
<input type="checkbox"/> Information continued on attached pages			Total Expenses By or Through Lobbyists

DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing Items 3 through 7 below.

3. Other expenditures made by the employer for lobbying purposes. Show total expenditures made/accrued:
- a. to vendors on behalf of or in support of registered lobbyists (e.g., entertainment credit card purchases); _____
 - b. to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort; _____
 - c. for entertainment, tickets, passes, travel expenses (e.g., transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families; (Also complete Item 9.) _____
 - d. for composing, designing, producing and distributing informational materials for use primarily to influence legislation; and _____
 - e. for grass roots lobbying expenses, including those previously reported by employer on Form L-6, and payments for lobbying communications to clients/customers (other than to corporate stockholders and members of an organization or union). _____
4. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. (Also complete Item 10.)
- a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c. _____
 - b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this L-3 report.)
 Name of PAC _____
5. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. (Also complete Item 11.) _____
6. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. (Normal course of business payments are not reportable.) (Also complete Item 14.) _____
7. Other lobbying-related expenditures, whether through or on behalf of a registered lobbyist. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not include payments accounted for above. _____
- Total Lobbying Expenses**
(Items 2 thru 7) _____

J. This report must be certified by the president, secretary-treasurer or similar officer of lobbying employer.

Certification: I certify that this report is true, complete and correct to the best of my knowledge.	Signature of Employer Officer Date
Printed Name and Title of Officer:	

CONTINUE ON REVERSE

PROPOSED

PROPOSED

9. Entertainment, tickets, passes, travel expenses (including transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.

Name and Title	Cost or Value	Date and Description of Expense
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Information continued on attached pages

10. Contributions (not reported by the lobbyist) totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure. Do not list employer-affiliated PAC contributions.

Name of Recipient	Amount	Date (and, if In-Kind, Description)
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Information continued on attached pages

11. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot proposition. See instruction manual for definition of "Independent expenditure."

Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)
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Information continued on attached pages

12. Compensation of \$1,500 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family.

Name	Relationship to Candidate or Elected Official if Member of Family	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
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DOLLAR CODE	AMOUNT
A	\$1 to \$2,999
B	\$3,000 to \$14,999
C	\$15,000 to \$29,999
D	\$30,000 to \$74,999
E	\$75,000 or more

Information continued on attached pages

13. Compensation of \$1,500 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family holds office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
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Information continued on attached pages

14. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name	Amount	Date and Purpose
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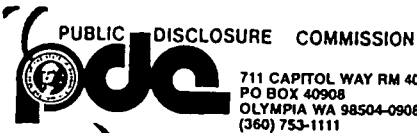
Information continued on attached pages

AMENDATORY SECTION (Amending WSR 95-01-074A,
filed 12/16/94)

WAC 390-16-071 Annual report of major contributors and persons making independent expenditures. (1) Any person, other than an individual (a) who made contributions to state office candidates and statewide ballot proposition committees totaling more than \$10,000 in the aggregate during the preceding calendar year, or (2)(b) who made independent expenditures regarding state office candidates and statewide ballot propositions totaling more than \$500 in the aggregate during the preceding calendar year, shall file with the commission an annual report required pursuant to RCW 42.17.180. This report shall not be required of a lobbyist employer filing an annual L-3 report pursuant to RCW 42.17.180 or of a candidate's authorized committee or a political committee provided the information has been properly reported pursuant to RCW 42.17.080 and .090.

(2) The report is entitled "Special Political Expenditures" and is designated with PDC form number C-7 revised 1/98.

PROPOSED



Special Political Expenditures

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12/94

1. Name (Use complete company, association, union or entity name.)

Attention (Identify person to whom inquiries about the information below should be directed.)

Mailing Address

Telephone

City

State

Zip + 4

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Disclose all payments or expenditures the reporting entity made or accrued during the previous calendar year for the types of activities described below. Complete each section. Use "none" or "0" when appropriate. Follow the directions on the attached instructions.

Summary of Expenditures

Amount

2. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates or committees supporting or opposing statewide ballot measures. Also complete Item 8.

a. Aggregate contributions made by the filer.

b. If contributions were made by a political committee associated, affiliated or sponsored by the filer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this report.)

Name of PAC _____

3. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. Show aggregate amount. Also complete Item 9.

4. Expenditures for entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families. Show aggregate amount. Also complete Item 10.

5. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. Show aggregate amount. Also complete Item 13.

6. Other expenditures related to lobbying state officials, whether payment is made to, through or on behalf of a registered lobbyist. Attach list itemizing each expense. Show date, recipient, purpose and amount.

7. Total Reportable Expenses
(Items 2 thru 6)

Itemized Expenditures

8. Contributions totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure.

Name of Recipient

Amount

Date

Information continued on attached pages

CONTINUE ON REVERSE

PROPOSED

PROPOSED

9. Independent expenditures totaling \$500 or more in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot measure. See instructions for definition of "independent expenditure" and correct way to determine if threshold has been met.

Candidate's Name, Office Sought & Party or Ballot Measure & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)
<input type="checkbox"/> Information continued on attached pages		

10. Entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families.

Name and Title	Cost or Value	Date and Description of Entertainment, Gift or Travel
<input type="checkbox"/> Information continued on attached pages		

11. Compensation of \$1,000 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate families.

Name	Relationship to Candidate or Official, if Family Member	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

12. Compensation of \$1,000 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family holds office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

13. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of the immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name	Amount	Date and Description of Expense
<input type="checkbox"/> Information continued on attached pages		

14. This report must be certified by the president, secretary-treasurer or similar officer of reporting entity.

Certification: I certify that this report is true, complete and correct to the best of my knowledge.	Signature of Officer	Date
Printed Name and Title of Officer:		



Special Political Expenditures

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1. Name (Use complete company, association, union or entity name.)

1/98

Attention (Identify person to whom inquiries about the information below should be directed.)

Mailing Address

Telephone

City

State

Zip + 4

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Disclose all payments or expenditures the reporting entity made and accrued during the previous calendar year for the types of activities described below. Complete each section. Use "none" or "0" when appropriate. Follow the directions on the attached instructions.

Summary of Expenditures

Amount

- 2. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. Also complete Item 8.
 - a. Aggregate contributions made by the filer.
 - b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this report.)
Name of PAC _____
- 3. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. Show aggregate amount. Also complete Item 9.
- 4. Expenditures for entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families. Show aggregate amount. Also complete Item 10.
- 5. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. Show aggregate amount. Also complete Item 13.
- 6. Other expenditures related to lobbying state officials, whether payment is made to, through or on behalf of a registered lobbyist. Attach list itemizing each expense. Show date, recipient, purpose and amount.

7. Total Reportable Expenses
(Items 2 thru 6)

Itemized Expenditures

- 8. Contributions totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure.

Name of Recipient

Amount

Date

Information continued on attached pages

PDC - C-7

CONTINUE ON REVERSE

PROPOSED

PROPOSED

9. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot measure. See instructions for definition of "independent expenditure."

Candidate's Name, Office Sought & Party or Ballot Measure & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)
<input type="checkbox"/> Information continued on attached pages		

10. Entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families.

Name and Title	Cost or Value	Date and Description of Entertainment, Gift or Travel
<input type="checkbox"/> Information continued on attached pages		

11. Compensation of \$1,500 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate families.

Name	Relationship to Candidate or Official, if Family Member	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

12. Compensation of \$1,500 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family holds office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)	Description of Consideration or Services Exchanged for Compensation
<input type="checkbox"/> Information continued on attached pages			

13. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name	Amount	Date and Description of Expense
<input type="checkbox"/> Information continued on attached pages		

14. This report must be certified by the president, secretary-treasurer or similar officer of reporting entity.

Certification: I certify that this report is true, complete and correct to the best of my knowledge.	Signature of Officer	Date
Printed Name and Title of Officer:		

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

WSR 97-21-150
PROPOSED RULES
DEPARTMENT OF LICENSING
 (Business and Professions Division)
 (Master License Service)
 [Filed October 22, 1997, 10:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-14-088.

Title of Rule: Chapter 308-312 WAC, Whitewater river outfitters.

Purpose: To establish the fees and procedures whereby the Department of Licensing, Master License Service, will administer the mandatory whitewater river outfitter license created and required by SSB 5483 (chapter 391, Laws of 1997); which replaces the current voluntary registration program, effective January 1, 1998.

Statutory Authority for Adoption: RCW 88.12.276 (section 9, chapter 391, Laws of 1997).

Statute Being Implemented: RCW 88.12.275 (section 7, chapter 391, Laws of 1997).

Summary: Proposal defines terms; identifies the office administering the license and how to contact that office; describes the requirements and procedures to apply for and/or renew the license; describes how to maintain proof of liability insurance; sets the application and renewal fees and identifies associated fees; describes circumstances and procedures for the suspension, appeal, and/or reinstatement of a license; describes the transition to the mandatory regulation; and repeals reference to the voluntary registration.

Reasons Supporting Proposal: RCW 88.12.232 (section 2, chapter 391, Laws of 1997) requires whitewater river outfitters to obtain a license. RCW 88.12.275 (section 7, chapter 391, Laws of 1997) requires the Department of Licensing (Master License Service) to administer the license and gives the general requirements to do so. However, specific details of procedure and fees necessary to effectively implement the administration of the license are left to be established by rule, as authorized by RCW 88.12.276 (section 9, chapter 391, Laws of 1997).

Name of Agency Personnel Responsible for Drafting: Clyde Zahn, 405 Black Lake Boulevard S.W., Olympia, WA, (360) 664-1447; Implementation: Linda Allen, 405 Black Lake Boulevard S.W., Olympia, WA, (360) 664-1415; and Enforcement: Nell Benzschawel, 405 Black Lake Boulevard S.W., Olympia, WA, (360) 664-1451.

Name of Proponent: Department of Licensing, Master License Service, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The 1997 legislature enacted SSB 5483 which was signed into law on May 16, 1997. One provision of this legislation was to make a license mandatory for those wishing to act in the business of a whitewater river outfitter, and to task the Department of Licensing (Master License Service) with the administration of that license. There are general requirements for the license set in the statute, but certain specifics such as the amount of the fee, what form needs to be filed, and how to file the form, among others,

have been left to be established by rules adopted by the department.

The main purpose of the proposed rule is to set the fees and describe the specific procedures a person must follow in order to apply for and renew a whitewater river outfitter license. In addition, the rule provides definitions of certain terms and identifies the office that will administer the license, as well as how to contact that office, and other procedural steps a licensee may need to know.

It is anticipated the effect of this rule will be to clearly explain what a person must do in relation to this license and allow them to avoid the delays and inaccuracies which could be detrimental to their business. The rule will also set definite procedure standards for those administering the license to assure equal treatment of all applicants and licensees. Further, the economic impact of the rule has been kept to a negligible level and will not create a burden on those affected by the license requirements.

Proposal Changes the Following Existing Rules: WAC 308-300-310 (sets the fee for the current voluntary registration that is being replaced) will be repealed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The impact has been determined to be negligible, as established in the minor or negligible impact table prepared by the Washington State Business Assistance Center of the Department of Community, Trade and Economic Development.

RCW 34.05.328 does not apply to this rule adoption. The Department of Licensing was not named in the list of agencies affected by this statute.

Hearing Location: Department of Licensing, Business and Professions Division, Conference Room #1, 405 Black Lake Boulevard S.W., Olympia, WA, on November 25, 1997, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Clyde Zahn by November 14, 1997, TDD (360) 586-2788, or (360) 664-1447.

Submit Written Comments to: Clyde Zahn, P.O. Box 9034, Olympia, WA 98507-9034, FAX (360) 586-1596, by November 19, 1997.

Date of Intended Adoption: November 26, 1997.

October 21, 1997
 Nell Benzschawel, Administrator
 Master License Service

Chapter 308-312 WAC
Whitewater River Outfitters

NEW SECTION

WAC 308-312-010 Definitions. The following definitions apply to use of these terms in this chapter.

(1) "Business location" means a business office of a whitewater river outfitter. This is a fixed location where business may be conducted with the public and that must post a master license showing "tax registration". It does not mean where river trips take place.

(2) "Guide" means any individual hired or used by a whitewater river outfitter for the purpose of operating vessels. A person licensed under RCW 77.32.211 or

75.28.780 and acting as a fishing guide is not considered a guide for the purposes of this chapter.

(3) "Master application" means the combined license application form and any addenda provided by the master license service.

(4) "Master license" means the combined license document issued by the master license service.

(5) "Master license service" means the office within the department of licensing operating the master license program, and handling the whitewater river outfitter license.

(6) "Outfitter" means the same as whitewater river outfitter.

(7) "Person" means any individual, sole proprietorship, partnership, corporation, limited liability company, limited liability partnership or any other legal entity forms of business structure.

(8) "Proof of liability insurance" means the certificate of insurance or other written proof supplied by an insurance provider. The proof lists and guarantees the type and amount of insurance coverage provided and the period of time the coverage is in force.

(9) "Whitewater river outfitter" means any person who advertises to carry or carries passengers for hire on any whitewater river in Washington. It does not include any person whose only service on a given trip is providing instruction in canoeing or kayaking skills.

NEW SECTION

WAC 308-312-020 Whitewater river outfitter license administration office. The master license service of the department of licensing handles the whitewater river outfitter license. The office is located at 405 Black Lake Blvd. SW, Olympia, Washington. Office hours are 8:00 AM to 5:00 PM, Monday through Friday, excluding state holidays. The office can be contacted by mail or phone at:

Department of Licensing	
Master License Service	(360) 664-1400
Post Office Box 9034	Fax (360) 753-9668
Olympia WA 98507-9034	TDD (360) 586-2788

NEW SECTION

WAC 308-312-030 Applying for a whitewater river outfitter license. (1) To apply for a license a person must request and file a master application with the master license service. The completed master application must include the information, proof of insurance and certifications listed in RCW 88.12.275 and the fee listed in WAC 308-312-060.

(2) A master license with "whitewater river outfitter" printed on it will be issued after the application has been reviewed and approved. The license application will not be approved and no license will be issued if all the requirements are not met.

(3) Each business location where whitewater river outfitter business is conducted must be licensed even if owned by the same business owner. A separate application must be completed and filed for each business location. Each business location will receive its own master license.

NEW SECTION

WAC 308-312-040 Renewing a whitewater river outfitter license. (1) The whitewater river outfitter license must be renewed each year by the expiration date. The master license does not allow conducting business as a whitewater river outfitter after the expiration date shown on the license. A renewal must be filed for each business location.

(2) The master license service will mail a renewal notice to each business location at least 30 days before the license expiration date. The licensee must submit the completed renewal application by the expiration date or the late renewal fee listed in RCW 19.02.085 may be charged.

(3) The completed renewal application must include the information and certifications listed in RCW 88.12.275, and the fee listed in WAC 308-312-060. The whitewater river outfitter license will not be renewed if all the requirements are not met.

(4) If a license renewal has not been filed by at least 4 months after the expiration date the license will be considered to have been abandoned and the license status will be terminated. A licensee whose outfitter license has been terminated because of nonrenewal must file a new application as described in WAC 308-312-030 in order to conduct business as a whitewater river outfitter.

NEW SECTION

WAC 308-312-050 Proof of liability insurance. (1) Applicants and licensees must provide proof of having liability insurance coverage to the master license service. The proof of insurance must show the applicant or licensee as the insured, and list the Master License Service as the certificate holder to be notified of changes in coverage. Changes to be reported include a new liability limit and cancellation, termination, or renewal of a policy. Cancellation or termination of a policy must be reported at least 30 days before the effective date.

(2) The liability insurance policy may cover outfitter business activities at all locations within the state of Washington. A separate copy of the proof of current liability insurance must accompany each new application for a whitewater river outfitter license.

NEW SECTION

WAC 308-312-060 Fees. (1) The following fees apply to the whitewater river outfitter license

- (a) New application \$25.00 per business location
- (b) Annual renewal \$25.00 per business location

(2) New and renewal applications are charged the application handling fee listed in RCW 19.02.075. Delinquent renewal applications may be charged the delinquency fee listed in RCW 19.02.085.

NEW SECTION

WAC 308-312-070 License suspensions and reinstatements. (1) The master license service may suspend a license after a court reports the conviction of a licensee under any of the provisions of RCW 88.12.245 through 88.12.275. The master license service will contact the licensee and allow a period of at least 10 days to respond

whether the condition under which the conviction was entered still exists before issuing a suspension order and suspending the license. The notice of suspension will identify the reason for the suspension and reinstatement requirements.

(2) The master license service may also suspend the license of a whitewater river outfitter if the liability insurance coverage is not maintained. In such cases the master license service will follow the requirements in RCW 88.12.275 for notifying the licensee.

(3) If a whitewater river outfitter has licensed more than one business location the license at each location will be affected by a suspension. The exception to this is when the suspension is due only to not maintaining liability insurance and each business location has its own insurance policy.

(3) If a licensee misrepresented information at the time of applying for a license they may be referred to local law enforcement or to the Washington state patrol for possible action.

(4) The master license service will not issue a new whitewater river outfitter license to an applicant if the current license is in suspension. A licensee is not authorized to act as a whitewater river outfitter during the time the license is in suspension.

(5) The license expiration date will not be affected by a suspension. Fees that become due during the suspension period must be paid before the license will be reinstated. The licensee will not be required to maintain liability insurance coverage during the suspension period, but the insurance must be in full force before the license will be reinstated.

(6) The master license service will normally enforce a conviction-based suspension for a period of one year. A suspended license will not be reinstated at the end of the suspension period unless the licensee requests it. The reinstatement request must certify compliance with all licensing requirements and provide proof of liability insurance if coverage was terminated during the suspension. A licensee can request reinstatement earlier than one year from the date of suspension. If requesting an earlier reinstatement, proof of having corrected the condition under which the conviction was entered must also be provided. If all reinstatement requirements are met the license will be reinstated without requiring reapplication for the license or payment of any reinstatement fees. If a reinstatement has not been requested by at least 16 months after the date of suspension the license will be considered abandoned and the status of the license will be terminated. If a license is terminated the licensee must file a new application as described in WAC 308-312-030 to conduct business as a whitewater river outfitter.

NEW SECTION

WAC 308-312-080 Appeals of license suspensions.

A whitewater river outfitter licensee may appeal a suspension by submitting a written notice of appeal to the department of licensing. The notice of appeal must be received by the department of licensing within 40 days after the date the suspension is issued or the right to appeal is waived. If the notice is mailed the United States post office postmark date will be accepted as the date received by the department of

licensing. The department of licensing will take action on the notice as directed by the Administrative Procedure Act found in RCW 34.05.

NEW SECTION

WAC 308-312-090 Transition from the previous voluntary whitewater craft operator registration, and implementation of the mandatory whitewater river outfitter license.

(1) The master license service will not process new license applications requesting the voluntary whitewater craft operator registration referred to in WAC 308-300-310 after December 31, 1997. Applications for the voluntary registration received after December 31, 1997 will be handled as an application for the mandatory whitewater river outfitter license. Applicants affected by this change will be notified if their application does not fully comply with the requirements of RCW 88.12 and WAC 308-312. Voluntary whitewater craft operator registration renewal requests will not be processed after December 31, 1997.

(2) Applicants may request and apply for the new, mandatory whitewater river outfitter license through the master license service after November 30, 1997. The master license service will issue the whitewater river outfitter license endorsement on the master license after December 31, 1997.

(3) Persons who have a valid voluntary whitewater craft operator registration as referenced in WAC 308-300-310 on December 31, 1997 may continue in business under that registration through January 31, 1998. On February 2, 1998 the master license service will terminate all voluntary whitewater craft operator registrations previously issued. In order to continue to conduct business after January 31, 1998 persons registered as a whitewater craft operator must file an application for the whitewater river outfitter license, and have the license approved by the master license service.

(4) Only persons with a whitewater river outfitter license endorsement approved by February 13, 1998 will be included in the 1998 edition of the annual list of licensed whitewater river outfitters provided to the department of community, trade, and economic development.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-300-310 Fee for whitewater river for-hire registration.

WSR 97-21-151

PROPOSED RULES

INSURANCE COMMISSIONER'S OFFICE

[Filed October 22, 1997, 11:05 a.m.]

Continuance of WSR 97-20-139.

Preproposal statement of inquiry was filed as WSR 97-13-072.

Title of Rule: Procedures and standards for health care service contractors and health maintenance organizations to use in filing contract forms and rate schedules with the insurance commissioner.

Purpose: To provide consistent and up-to-date guidelines for filing contract forms and rate schedules and to specify the standards to be used to determine when proposed premiums are not unreasonable in relation to benefits.

Other Identifying Information: R 97-2.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050, and 48.46.200.

Statute Being Implemented: RCW 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d), (5), 48.46.064, and 48.46.066.

Summary: These rules set guidelines to be applied when rate filings are required and what the filings are to contain. They further provide the parameters within which the rates will be evaluated.

Reasons Supporting Proposal: RCW 48.44.020 (2)(d) and 48.46.060 (3)(d) allow the commissioner to disapprove contracts because the benefits are unreasonable in relation to the amount charged. This statute serves to provide the public with protection from excessive charges for the benefits provided by health benefit plans. The rule that established a standard for the evaluation of rates was repealed in 1995 because it was outdated, inflexible, and inappropriate for the current health care environment. Legislation that would have established a standard for this evaluation was passed by the legislature in 1996 but was vetoed by the governor. In the absence of standards, lengthy and costly litigation has occurred regarding the rates filed by carriers. In light of the lack of standards and the litigation that has occurred, the regulated community has requested that rules be adopted that not only establish standards for the evaluation of rates, but also establish guidelines for the material that is to be submitted in support of the requested rates. These new rules respond to these needs as well as the public's need for protection by defining the parameters within which the rates will be evaluated and the material that must be submitted in support of the requested rates.

Name of Agency Personnel Responsible for Drafting: Brian Morris, Olympia, (360) 664-4301; **Implementation and Enforcement:** Ida Zodrow, Olympia, (360) 664-8137.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new rule requires annual filings for health benefit plans and plans offered by limited health care service contractors. It includes a list of data elements and justifications that must be supplied in support of individual and small group rates. The rule establishes loss ratio and rate of increase criteria that, if met, will result in a determination that requested rates are not unreasonable. If the criteria are not met, the rule defines the components of the rate that will be reviewed in order to determine if the requested rate is not unreasonable. It is anticipated that the rule will bring more uniformity to the material submitted and help to establish a common language for discussions regarding the requested rates. It is further anticipated that the rule will allow the carriers a better understanding of how the filed rates will be reviewed.

Proposal Changes the Following Existing Rules: These rules will provide up-to-date guidelines for filing contract and rate schedules. These rules provide the standard to be

used to determine when proposed premiums are not unreasonable in relation to benefits.

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

Small Business Economic Impact Statement

(a) Is the rule required by federal law or federal regulation? No, federal law does not require this rule proposal.

(b) What industry is affected by the proposed rule? The industry code that would be affected by this rule includes hospital and medical service plans, industry code #6324. In Washington, such plans are called health care service contractors (HCSCs) and health maintenance organizations (HMOs).

(c) List the specific parts of the proposed rule, based on the underlying statutory authority (RCW section), which may impose a cost to businesses. Most rates filed by health care service contractors (HCSCs) and health maintenance organizations (HMOs) are currently subject to review by the commissioner. The commissioner has the statutory authority to disapprove these rates if the benefits provided therein are "unreasonable in relation to the amount charged" (RCW 48.44.020 (2)(d) and 48.46.060 (2)(d)). Although rate analysts for the Office of the Insurance Commissioner evaluate rates based on criteria included in this proposed rule, the commissioner believes it is important to explicitly set forth in a rule, the standards used to review rates. The intended result of this proposed rule is to achieve uniformity in the rate review process for all carriers, consistent with applicable statutes and regulations, standard actuarial practices, and standards for financial reporting.

HMOs and HCSCs are currently required to file specific rating information with the commissioner for approval of all individual and small group rates. This proposed rule imposes costs on the carriers by modifying and expanding the filing requirements associated with the rate review process. In addition, the commissioner recognizes the potential for costs associated with the time required for reading and comprehending the new rule. The goal of this impact statement is to determine whether potential costs would disproportionately affect small carriers doing business in Washington state.

(d) What will be the compliance costs for industries affected? The intent of the proposed rule is to set forth in rule a consistent set of criteria on which to evaluate rate increases proposed by HCSCs and HMOs. The Office of the Insurance Commissioner (OIC) staff will use the proposed criteria to determine whether a proposed rate increase is unreasonable in relation to benefits. In order to thoroughly and consistently evaluate these rates, a set of proposed filing requirements is included in this rule. Some of these filing requirements are new to the health carriers and will increase the costs of compliance to this industry; however, rule drafters have attempted to create filing requirements which reflect, as much as possible, the way HMOs and HCSCs currently do business.

New filing requirements that may impose additional compliance costs on HMOs and HCSCs include:

- Documentation and justification of adjustments made to experience data, claim trend assumptions, and future claim costs assumptions.

PROPOSED

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- Nonclaims expense allocation information and justification of forecast changes in expenses.
- Information on investment earnings.
- Information on criteria to determine contribution to surplus.
- Description of methodology used to adjust base rates.

(e) **What percentage of the industries in the four-digit standard industrial classification will be affected by the rule?** This proposed rule would affect one hundred percent of the HCSCs and HMOs that file rating information for individual and small group health benefit plans subject to OIC rate regulation under RCW 48.44.020 and 48.46.060.

(f) **Will the rule impose a disproportionately higher economic burden on small businesses within the four-digit classification?** In order to evaluate the effects of this proposed rule on large and small HCSCs and HMOs, it is important to recognize the varying structure of the health carriers within the industry. Tables 1 and 2 (on the follow-

ing page) describe the types of health benefit plans that are currently offered by the largest and smallest HCSCs and HMOs in Washington state. The carriers will remain anonymous to maintain confidentiality. There are currently only two health carriers that have under fifty employees in the state of Washington. These "small" carriers exclusively offer health plans that are not subject to this proposed rate review rule (e.g. Medicaid plans, subsidized basic health plans). Presuming these carriers continue to offer these or similar types of plans, these companies would not be affected by the proposed rule. Conversely, all of the largest four carriers (largest 10%) described in Table 2 offer plans that are subject to rate review by the commissioner and would be subject to this proposed rule. Due to the types of benefit plans small carriers choose to offer, they are effectively excluded from the requirements of this proposed rule. Thus, this proposed rule does not appear to disproportionately burden "small" HCSCs and HMOs.

Table 1

Small HCSCs and HMOs

<u>Types of Plans Marketed by Carrier</u> (1996 data)				
Health Carrier	Standard Rates or Community Rated Plans	Non-standard Rates or Negotiated Rate Plans	Medicare Supplement Plans	State or Federally funded Plans (<u>not</u> subject to OIC rate review)
	Subject to OIC Rate Review and subject to the rate standards set forth in this proposed rule		Subject to OIC Rate Reviews, but not subject to this proposed rule	<u>Not</u> Subject to OIC Rate Review
A				X
B				X

Table 2

Large HMOs and HCSCs

<u>Types of Plans Marketed by Carrier</u> (1996 data)				
Health Carrier	Standard Rates or Community Rated Plans	Non-standard Rates or Negotiated Rate Plans	Medicare Supplement Plans	State or Federally funded Plans (<u>not</u> subject to OIC rate review)
	Subject to OIC Rate Review and subject to the rate standards set forth in this proposed rule		Subject to OIC Rate Reviews, but not subject to this proposed rule	<u>Not</u> Subject to OIC Rate Review
A	X	X	X	X
B	X	X	X	X
C	X	X	X	X
D	X	X	X	X

(g) Can mitigation be used to reduce the economic impact of the rule on small businesses and still meet the stated objective of the statutes that are the basis of the proposed rule? Consideration of possible cost impacts played a key role in shaping the proposed draft rule. Two technical workgroup meetings with carrier staff familiar with the filing process were held specifically to discuss aspects of the draft rule that may potentially create compliance difficulties. In addition, four workgroup meetings to discuss policy impacts of the rule were held throughout July, August, and October. Table 3 summarizes the cost reduction efforts that have taken place to reduce the economic burden on small businesses affected by this rule.

Table 3

Preliminary Drafts		Proposed Rule (CR-102)
General Contents of Filings		
A1. For all rate class filings requesting rate changes. . . experience data, assumptions, and justifications must be provided on the individual rate class, small group rate class and merit class, as follows [in general. . .-->]		A1. An actuarially sound estimate of incurred claims. Experience data, assumptions, and justifications of the carrier's projected incurred claims shall be provided in a manner consistent with the carrier's rate-making methodology and incorporate the following elements:
A2. The number of current subscribers, in total and by family size, for each month of the experience period and the prior two periods, for the relevant rating class.		A2. The number of subscribers by family size, or covered persons for the plans included in the filing. These figures shall be shown for each month of the experience period and the prior two periods if not included in previous filings. This data shall be presented in aggregate for the plans included in the filing and in aggregate for all the carrier's plans.
A3. Actual earned premium for each month of the experience period and the prior two periods for the relevant rating class.		A3. Earned premium for each month of the experience period and the prior two periods if not included in previous filings, for the plans included in the filing.
A4. Adjusted earned premium rates for each month of the experience period and the prior two periods, for the relevant rating class.		A4. Adjusted earned premium for each month or quarter of the experience period and prior two periods for the plans included in the filing.
A6. Incurred claims, in total and by service type, for each month of the experience period and the prior two periods, for the relevant rating class. A6. The amount of other benefit costs such as capitation payments, provider bonuses, etc. by month for the experience period and the prior two periods		A5 & A6. Claims data for each month or quarter of the experience period and the prior two periods. Examples of claims data include: incurred claims, capitation payments, utilization data, unit cost data, and staffing data. The specific data elements included in filing shall be consistent with the carrier's rate-making methodology.
<p>A. Cost impacts:</p> <p>⇒ Scope: Above requirements include "merit class" filings. Merit classes are generally used in rating large groups. Carriers required to submit information on individual, small and large groups.</p> <p>⇒ Flexibility The above requirements generally reflect the current structure of HCSC; however, carriers pointed out varying methods used in the market to compile and report certain data. HMOs, in particular, may not be compiling data as would an HCSC.</p> <p>⇒ Filing Reduction: A2 & A3 required claims and earned premium data from previous 2 filing periods.</p>	<p>Cost Reduction →→→→</p>	<p>A. Cost impacts:</p> <p>⇒ Scope: By eliminating the requirements for merit class filings, health carriers need only submit detailed filing information for small and individual groups.</p> <p>⇒ Flexibility: Newer versions provide cost reducing alternatives for a variety of carrier structures. Examples include: (1) Allowing carriers to compile data by month or by quarter, depending on their methodology; (2) In A2, an alternative to compiling data by family size offered for those who track information by covered person.</p> <p>⇒ Filing Reduction: A2&A3 changed to allow carriers to build on past filings so they are not required to file the same data twice.</p>

PROPOSED

Table 3 (continued)

<u>Preliminary Drafts</u>		<u>Proposed Rule (CR-102)</u>
General Contents of Filings		
B1. The number of current subscribers, in total and by family size, in the rate class to be affected by the change in rates. Show these figures for each month for the experience period and the prior two periods, for (a) the relevant rating class and (b) the carrier's total enrollment. Calculate the current enrollment in the relevant rating class as a percentage of the carrier's total enrollment.		B1. Eliminated
B2. A new sales and lapse report for the relevant rating class showing for each month of the experience period and the prior two periods, a) the number of subscribers at the beginning of the month, b) the number of new subscribers added during the month, and c) the number of subscribers terminating coverage during the month.		B2. Eliminated
B3. Incurred claims by family size, for each month of the experience period and the prior two periods.		B3. Eliminated
B. Cost impacts: ⇒ Includes filing requirements for subscriber information, sales lapse reports, and incurred claims segregated by family size.	Cost Reduction →→→→	B. Cost impacts: ⇒ Eliminated requirements, reducing cost impacts to zero.
C1. Documentation and justification of any adjustments to be made to the experience data prior to performing claim cost projections.		C1. Documentation and justification of any adjustments made to the experience data.
C2. Documentation and justification of claim trend assumptions, differentiating between the underlying medical trend for the purchaser class from any insurance determined trends such as the impact of deductibles, changes in lapse rates, and wearing off of underwriting.		C2. Documentation and justification of claim trend assumptions.
C. Cost impacts: ⇒ These subsections would expand documentation requirements.	Cost Reduction →→→→	C. Cost impacts: ⇒ Newer version reduces restrictions on how HMOs and HCSCs compile data.
When to File		
D1. Carrier required to file once per year.		D1. Carrier required to file once every 18 month.
D. Cost Estimates: ⇒ Although most carriers file every year, some were concerned that this was too restrictive.		D. Cost Estimates: ⇒ Time period was expanded to allow more flexibility in rating and filing periods.

PROPOSED

Table 3 (continued)

<u>Preliminary Drafts</u>		<u>Proposed Rule (CR-102)</u>
Non-claims Expenses		
E1. Experience data, assumptions, and justifications must be provided by an insurer on the individual rate class, small group rate class and merit class, [general data -->]as follows:		E1. A verifiable estimate of prudently incurred future expenses. Experience data, assumptions, and justifications must be provided by the carrier as follows
E. Cost impacts: ⇒ Above requirements include "merit class" filings. Merit classes are generally used in rating large groups. By including merit class filings, carriers would be required to submit information on individual, small and large groups.	Cost Reduction →→→→	E. Cost impacts: ⇒ By eliminating the requirements for merit class filings, health carriers need only submit detailed filing information for small and individual groups.
F1. A breakdown of carrier's expenses allocated or assigned to the contracts included in the filing for the experience period.		F1. A breakdown of the carrier's expenses allocated or assigned to the contracts included in the filing for the experience period or for the period corresponding to the most recent Annual Statement. (i) HCSCs – Underwriting and Investment Exhibit Part 3 (ii) HMOs Report #2.
F. Cost estimates ⇒ In the past, expense data was requested on a case by case basis. This expands filing requirements to make expenses part of the annual rate filings.	Cost Reduction →→→→	F. Cost estimates ⇒ Because carriers are already filing expense information with Annual Statements, this requirement was modified to allow the time periods to match up with the Annual Statement periods so that Annual Statement data could be re-used.
G1. Taxes, other than federal income taxes, including premium tax, itemizing all revenue-sensitive tax rates paid and incurred, the taxable rate, the taxable base (for example, premium taxes of two percent), and the total resulting tax;		G1. Eliminated
G2. The effective and statutory federal income tax rates;		G2. Eliminated
G3. A listing of all contracts and amounts of payments to an affiliate or subsidiary where the carrier assigns or allocates all or a portion of the amounts to the plan contracts at issue in the filing.		G3. Eliminated
G. Cost estimates ⇒ New expense filing requirements	Cost Reduction →→→→	G. Cost estimates ⇒ Eliminated requirements, reducing potential costs to zero.

PROPOSED

Table 3 (continued)

Preliminary Drafts		Proposed Rule (CR-102)
Future Contribution to Surplus		
H1. The leverage ratio before the affects of the requested rate change and after the affects of the requested rate change.		H1. Eliminated
H2. If the carrier has any borrowed money (such as notes payable, short-term debt, or long-term debt) a schedule that identifies the composition of the borrowed debt liability, the rate of interest paid on each debt, and the composite rate paid on the total amount of borrowed money. The beginning and ending balances of the experience period and the average amount of borrowed money shall be reported. These balances shall not include non-interest bearing debt or trade		H2. Eliminated
H. Cost estimates ⇒ New contribution to surplus filing requirements	Cost Reduction →→→→	H. Cost estimates ⇒ Eliminated requirements, reducing potential costs to zero.
Future Investment Income		
I1 The total amount of investment income for the experience period and for the prior five calendar years stated both in dollars and as a percentage of total premiums. The investment income shall be reported showing the amounts achieved through ordinary income earned on investments and through gains or losses on the sale of securities.		I1. Eliminated
I2. The total amount of other income for the experience period, on a total company basis and for the plan contracts in the relevant rating class (if such amounts of other income are included in the filing by the carrier), stated both in dollars and as a percentage of total premiums. Also provide a breakdown & explanation of the sources of other income.		I2. Eliminated
I3. Documentation and justification of forecasted other income identified in dollars and as a percentage of total premiums and the amount credited to the plan contracts in the relevant rating class.		I3. Eliminated
I. Cost estimates ⇒ New investment income filing requirements	Cost Reduction →→→→	I. Cost estimates ⇒ Eliminated requirements reducing potential costs to zero.
Certification		
J1. Actuarial certification of filing required by a member of the American Academy of Actuaries.		J1. Actuarial certification of filing required by a member of the Academy of Actuarial Sciences or a corporate officer who is deemed appropriate by the Commissioner.
J. Cost estimates ⇒ Smaller carriers do not have actuarial staff that would meet the above criteria.	Cost Reduction →→→→	J. Cost estimates ⇒ Allows smaller carriers to utilize trained staff employed to formulate rates.

(h) What steps will the commissioner take to reduce the costs of the rule on small businesses? As described in Table 3, the commissioner has taken steps to reduce the costs imposed by this rule. Small carriers are invited to provide input throughout the rule drafting process. The drafters will continue to meet with HMO and HCSC representatives to discuss the proposed rule.

(i) Which mitigation techniques have been considered and incorporated into the proposed rule? Based on written comments from and discussions with representatives of HCSCs and HMOs, as well as input from OIC rate analysts, the commissioner eliminated several provisions from the proposed rule that significantly reduced the filing costs associated with this rule. Elimination of these provisions has reduced the analytical work and paperwork

PROPOSED

required to comply with the proposed rule. On September 29th and October 6th, carriers were invited to a meeting to discuss potential cost produced by the proposed rule. Changes were proposed and discussed in a meeting with HMO and HCSC representatives on October 17th. Details of mitigation efforts are described in Table 3.

(j) Which mitigation techniques were considered for incorporation into the proposed rule but were rejected, and why? The original draft required filing every year. Most HMOs and HCSCs file rates every year; however, filings are currently only required every three years. Health insurance rates may actually be increasing even when carriers do not file rate increases due to trend factors that are built into rates. The assumptions and factors on which these trends are based, however, may change from year-to-year. The intent of including a twelve-month filing requirement is to evaluate the appropriateness of the rating factors with annually updated information.

At the workgroup meetings, carrier representatives requested that the twelve-month filing requirement be modified to allow more flexibility. One suggestion was to allow an exemption for carriers who choose to keep premiums at the same level as the previous year (0% rate increase). This mitigation approach was rejected in favor of expanding the filing time period from twelve months to eighteen months to increase flexibility. The rate rule standards require analysts to review loss-ratios and rating factors every year, even when 0% increases are proposed, because a 0% increase may not be appropriate. The amount of increase would depend on the rating factors, which may be changing significantly from year-to-year. Therefore, it did not seem that a filing exemption would be appropriate for carriers with 0% rate increases, considering that the proposed standard is based on reviewing the appropriateness of rates as a function of certain rate factors. The standard is not based solely on the amount a rate changes.

(k) Briefly describe the reporting, recordkeeping, and other compliance requirements of the proposed rule. The rate review criteria are designed to be consistent with applicable statutes and regulations, standard actuarial practices, and standards for financial reporting. It is not the intent of this rule to require recordkeeping that is not consistent with the standard practice and sound financial management of health carriers. HMOs and HCSCs are required to file documentation regarding claims expenses, nonclaims expenses, criteria for determining contribution to surplus, and justification for adjustments made to base rates. All data would come from records and reports that are part of the standard rate making process.

(l) List the kinds of professional services that a small business is likely to need in order to comply with the reporting, recordkeeping, and other compliance requirements of the proposed rule. In the event an HCSC or HMO has difficulty comprehending the intent of the proposed rule, the Insurance Commissioner will make resources available to assist the carrier in understanding and complying with the proposed rule. "Small" businesses (as defined in RCW 19.85.020(1)) will not need to employ additional professional services as a result of this rule. The commissioner, however, will make efforts to explore any potential disproportionate impacts on relatively small businesses by soliciting cost information and including health carrier

representatives in all technical workgroups. It is possible that this rule may require "relatively" small HMOs and HCSCs (although they employ well over fifty employees) to acquire additional actuarial resources. The commissioner has made efforts to mitigate these impacts by loosening the actuarial certification requirements of the rule. The commissioner will continue to make efforts to ensure that smaller carriers will not need to employ disproportionately more resources than larger carriers in order to comply with this rule.

(m) Analyze the cost of compliance including, specifically:

- **Cost of equipment:** No additional cost of equipment expected.
- **Cost of supplies:** No additional cost of supplies expected.
- **Cost of labor:** Firms may possibly need to hire consulting labor to assist them in making their initial filing under the revised criteria.
- **Cost of increased administration:** More in-depth filing requirements may require additional administrative coordination to file rates.

(n) Compare the cost of compliance for small business with the cost of compliance for the largest businesses in the same four-digit classification, using one or more of the following (as specifically required by RCW 19.85.040 (1)(a), (b), and (c)). HCSCs and HMOs offering individual and group plans based on standard, nonnegotiated rates are currently subject to community rating statutes (RCW 48.44.022, 48.44.023, 48.46.064 and 48.46.066). Rate proposals for all state and federally funded plans are subject to appropriate state and federal regulation. The target of the proposed rate review rule is to provide a consistent set of criteria for all plans under the jurisdiction of the OIC.

Due to the structure of the "small" health carriers in this state, small companies are effectively excluded from the filing requirements and potential cost impacts of this rule. Because the cost impact on these "small" businesses is \$0 per employee and the cost impact on larger carriers is greater than \$0 per employee, this proposed rule does not disproportionately burden "small" health carriers in this state. The commissioner will continue to solicit input and consider further mitigation of possible cost impacts on medium-sized businesses (with 100-300 employees) relative to larger carriers. In an effort to reduce disproportionate filing burdens on smaller businesses, the commissioner has modified and eliminated a number of requirements (see Table 3).

(o) Have businesses that will be affected been asked what the economic impact will be? All carriers were informed of the commissioner's intent to draft a rule regarding rate review criteria for all health carriers in July 1997. The CR-101 for this rule was filed on July 23, 1997. Four workgroup meetings were held throughout July and August. The workgroups included representatives from health carriers, consumers, and members of the business community who would potentially be affected by a proposed rate rule. In addition, a public hearing was held on August 8, 1997, to discuss the proposed rate rule. Two technical workgroup meetings to discuss cost impacts were held on September 29 and October 6, 1997. An additional

workgroup meeting to discuss policy changes was held on October 17, 1997. Additional workgroup meetings will be held before the rule-making hearing.

(p) **How did the commissioner involve small businesses in the development of the proposed rule?** All small HCSCs and HMOs were invited to provide feedback to the commissioner regarding the intent to draft a rule pertaining to rate review standards in July 1997. Also, all small carriers were sent copies of the draft rule on September 29, 1997, and asked to provide comments to the commissioner. Four workgroup meetings, which included representatives from small carriers, were held throughout July and August and October.

(q) **How and when were affected small businesses advised of the proposed rule?** Small carriers were advised of the proposed rule in writing on July 23, 1997. Also, see parts (o) and (p) for more details.

A copy of the statement may be obtained by writing to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, Internet e-mail KacyB@oic.wa.gov, phone (360) 407-0729, or FAX (360) 407-0569.

RCW 34.05.328 applies to this rule adoption.

Hearing Location: General Administration Building, 1st Floor Auditorium, 11th and Columbia, Olympia, Washington, on December 3, 1997, at 9:00. The rule-making hearing originally scheduled for November 7, 1997, has been canceled. In its place, a public information meeting will be held on November 7, 1997, at 9:00 a.m. in the General Administration Building, 1st Floor Auditorium, 11th and Columbia, Olympia, Washington. For more about the public meeting, please call Brian Morris, (360) 664-4301.

Assistance for Persons with Disabilities: Contact Steve Carlsberg by December 1, 1997, TDD (360) 664-3154.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, Internet e-mail KacyB@oic.wa.gov, FAX (360) 407-0569, by December 1, 1997.

Date of Intended Adoption: December 18, 1997.

October 22, 1997

Ida Zodrow

Deputy Commissioner

SUBCHAPTER I—HEALTH PLAN RATES

NEW SECTION

WAC 284-43-900 Authority and purpose. This subchapter is adopted under the general authority of RCW 48.02.060, 48.44.050, and 48.46.200. Its purpose is to provide guidelines for the implementation of RCW 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.44.040, 48.46.060 (3)(d), 48.46.060(5), 48.46.064, and 48.46.066 as to the filing of contract forms by health care service contractors and health maintenance organizations and the calculations and evaluations of premium rates for these contracts.

NEW SECTION

WAC 284-43-905 Applicability and scope. This subchapter applies to health benefit plans as defined in RCW 48.43.005(9), and contracts for limited health care services as defined in RCW 48.44.035(1), offered by health care service contractors and health maintenance organizations

registered in this state under chapter 48.44 or 48.46 RCW. It applies to such plans purchased directly by individuals, small employers, and large employers, or other organizations.

NEW SECTION

WAC 284-43-910 Definitions. For the purpose of this subchapter:

(1) "Adjusted earned premium" means the amount of "earned premium" the "carrier" would have earned had the "carrier" charged current "premium rates" for all applicable "plans."

(2) "Amount charged" means all sums charged, received, or deposited as consideration for a "contract" or "group contract" or the continuance thereof. An assessment or a membership, contract, survey, inspection, service, or similar fee or charge made by the carrier in consideration for a "contract" or "group contract" is considered part of the "amount charged."

(3) "Annualized earned premium" means the "earned premium" that would be earned in a twelve-month period if earned at the same rate as during the applicable period.

(4) "Anticipated loss ratio" means the "projected incurred claims" divided by the "projected earned premium."

(5) "Base rate" means the amount charged for a specific "plan," expressed as a monthly amount per "covered person or subscriber," prior to any adjustments for geographic area, age, family size, wellness activities, tenure, or any other factors as may be allowed.

(6) "Capitation expenses" means the amount paid to provider on a per "covered person" basis, or as part of risk sharing provisions, for the coverage of specified health care services.

(7) "Carrier" means a health care service contractor or health maintenance organization.

(8) "Certificate" means the statement of coverage document furnished "subscribers" covered under a "group contract."

(9) "Claim reserves" means the "claims" that have been reported but not paid plus the "claims" that have not been reported but may be reasonably expected.

(10) "Claims" means the cost to the "carrier" of health care services provided to a "covered person" or paid to or on behalf of the "covered person" in accordance with the terms of a "plan." This includes "capitation payments" or other similar payments made to "providers" for the purpose of paying for health care services for a "covered person."

(11) "Community rate" means the weighted average of all "premium rates" within a filing with the weights determined according to current enrollment.

(12) "Contract" means an agreement to provide health care services or pay health care costs for or on behalf of a "subscriber" or group of "subscribers" and such eligible dependents as may be included therein.

(13) "Contract form" means the prototype of a "contract" and any associated riders and endorsements filed with the commissioner by a health care service contractor or health maintenance organization.

(14) "Contribution to surplus, contingency charges, and risk charges" means the portion of the "projected earned premium" not associated directly with "claims" or "expenses"

but that provide the "carrier" with compensation for underwriting the risks involved, provide a return on the "carrier's" investment of capital, or provide assurance of the "carrier's" solvency.

(15) "Covered persons" means all "subscribers" and their eligible dependents.

(16) "Current community rate" means the weighted average of the "community rates" at the renewal or initial effective dates of each plan for the year immediately preceding the renewal period, with weights determined according to current enrollment.

(17) "Current enrollment" means the number and demographic make-up of the "covered persons" for the applicable contracts as of the most recent date for which this information is available to the carrier.

(18) "Earned premium" means the "amount charged" plus any rate credits or recoupments, applicable to an accounting period whether received before, during, or after such period.

(19) "Expenses" means costs that include but are not limited to the following:

(a) Claim adjudication costs;

(b) Utilization management costs if distinguishable from "claims";

(c) Home office and field overhead;

(d) Acquisition and selling costs;

(e) Taxes; and

(f) All other costs except "claims."

(20) "Experience period" means the most recent twelve-month period from which the carrier accumulates the data to support a filing.

(21) "Extraordinary expenses" means "expenses" resulting from occurrences atypical of the normal business activities of the "carrier" that are not expected to recur regularly in the near future.

(22) "Group contract" or "group plan" means an agreement issued to an employer, corporation, labor union, association, trust, or other organization to provide health care services to employees or members of such entities and the dependents of such employees or members.

(23) "Incurred claims" means "claims" paid during the applicable period plus the "claim reserves" as of the end of the applicable period minus the "claim reserves" as of the beginning of the applicable period. Alternatively, for the purpose of providing monthly data or trend analysis, "incurred claims" may be defined as the current best estimate of the "claims" for services provided during the applicable period.

(24) "Individual contract" means a "contract" issued to and covering an individual. An "individual contract" may include dependents.

(25) "Investment earnings" means the income, dividends, and realized capital gains earned on an asset.

(26) "Loss ratio" means "incurred claims" as a percentage of "earned premiums" before any deductions.

(27) "Medical care component of the consumer price index for all urban consumers" means the similarly named figure published monthly by the United States Bureau of Labor Statistics.

(28) "Net worth or reserves and unassigned funds" means the excess of assets over liabilities on a statutory basis.

(29) "Plan" means a "contract" that is a health benefits plan as defined in RCW 48.43.005(9) or a "contract" for limited health care services as defined in RCW 48.44.035(1).

(30) "Premium rate" means the "amount charged" per "subscriber" or "covered person" obtained by adjusting the "base rate" for geographic area, family size, age, wellness activities, tenure, or any other factors as may be allowed.

(31) "Projected earned premium" means the "earned premium" that would be derived from applying the proposed "premium rates" to the current enrollment.

(32) "Projected incurred claims" means the estimate of "incurred claims" for the rate renewal period based on the current enrollment.

(33) "Proposed community rate" means the weighted average of the "community rates" at the renewal dates of each plan for the renewal period, with weights determined according to current enrollment.

(34) "Provider" means any health professional, hospital, or other institution, organization, prescription drug vendor, or person that furnishes health care services and is licensed or otherwise authorized to furnish such services.

(35) "Rate renewal period" means the period for which the proposed "premium rates" are intended to remain in effect.

(36) "Rate schedule" means the schedule of all "base rates" for "plans" included in the filing.

(37) "Requested increase in the community rate" means the amount, expressed as a percentage, by which the "proposed community rate" exceeds the "current community rate."

(38) "Service type" means the category of service for which "claims" are paid, such as hospital, professional, dental, prescription drug, or other.

(39) "Small group contracts" or "small group plans" means the class of "group contracts" issued to small employers with no more than fifty eligible employees, including sole proprietors. "Small employer" is defined at RCW 48.43.005(13).

(40) "Staffing data" means statistics on the number of "providers" and associated compensation required to provide a fixed number of services or provide services to a fixed number of "covered persons."

(41) "Subscriber" means a person on whose behalf a "contract" or "certificate" is issued.

(42) "Unit cost data" means statistics on the cost per health care service provided to a "covered person."

(43) "Utilization data" means statistics on the number of services used by a fixed number of "covered persons" over a fixed length of time.

NEW SECTION

WAC 284-43-915 Demonstration that benefits provided are not reasonable in relation to the amount charged for a contract per RCW 48.44.020 (2)(d) and 48.46.060 (3)(d). In addition to the requirements of RCW 48.44.022, 48.44.023, 48.46.064, and 48.46.066, where applicable:

(1) For individual and small group plans, benefits shall be found not to be unreasonable in relation to the amount charged if one or more of the following is true:

(a) The requested increase in the community rate is zero percent or less and the anticipated loss ratio is seventy percent or more; or

(b) The anticipated loss ratio is eighty percent or more and the requested increase in the community rate is not more than the applicable rate in the following table.

CPI*	Maximum Rate Increase
7% or less	CPI*+3%
7% to 10%	13%
10% or more	CPI*

* CPI refers to the rate of increase in the medical care component of the consumer price index for all urban consumers.

(2) For group plans other than small group plans, benefits shall be found not to be unreasonable in relation to amount charged if the anticipated loss ratio is eighty percent or more.

(3) If the conditions of subsection (1) or (2) of this section are not met, benefits shall be found not to be unreasonable if the projected earned premium for the rate renewal period is equal to the following:

(a) An actuarially sound estimate of incurred claims associated with the filing for the rate renewal period, where the actuarial estimate of claims shall recognize, as applicable, the savings and costs associated with managed care provisions of the plans included in the filing; plus

(b) A verifiable estimate of prudently incurred expenses that are allocated or assigned to the filing for the rate renewal period on the basis of a reasonable and consistent method; plus

(c) A well justified provision for contribution to surplus, contingency charges, or risk charges, where the justification shall recognize the carrier's investment earnings on assets other than those related to claim reserves or other similar liabilities; minus

(d) An actuarially sound estimate of the forecasted investment earnings on assets related to claim reserves or other similar liabilities for the plans included in the filing for the rate renewal period.

(4) The contribution to surplus, contingency charges, or risk charges in subsection (3)(c) of this section, shall not be required to be less than zero.

(5) For the purposes of this section, the rate of increase in the medical care component of the consumer price index for all urban consumers shall be measured by comparing the index for the month immediately preceding the month in which the filing is submitted to the index for the corresponding calendar month for the prior year.

NEW SECTION

WAC 284-43-920 When a carrier is required to file.

(1) Every contract form and any modification thereof, and every rate schedule and any change thereof shall be filed with the commissioner:

(a) Before being offered for sale to the public; and

(b) Within thirty days after the end of an eighteen-month period during which a previous filing has remained unchanged for such period, including contract forms filed prior to the effective date of this regulation.

(2) Filings of negotiated contract forms, and applicable rate schedules, that are placed into effect at time of negotia-

tion or that have a retroactive effective date are not required to be filed in accordance with subsection (1)(a) and (b) of this section, but shall be filed within thirty working days after the earlier of:

(a) The date group contract negotiations are completed; or

(b) The date renewal premiums are implemented.

(3) An explanation for any filing delayed beyond the thirty-day period as described in subsection (2) of this section shall be given on the filing document as set forth in WAC 284-43-950.

NEW SECTION

WAC 284-43-925 General contents of all filings.

Each filing required to be made pursuant to WAC 284-43-920 shall be submitted with the filing transmittal form prescribed by and available from the commissioner. The form will include the name of the filing entity, its address, identification number, the type of filing being submitted, the form name or group name and number, and other relevant information. Filings shall also include the information required on the filing summary set forth in WAC 284-43-945 for individual and small group plans and rate schedules or as set forth in WAC 284-43-950 for group plans and rate schedules other than those for small groups.

NEW SECTION

WAC 284-43-930 Contents of individual and small group filings.

Under RCW 48.44.022(3) and 48.46.064(3) the experience of all individual plans shall be pooled; and under RCW 48.44.023(3)(i) and 48.46.066(3)(i) the experience of all small group plans shall be pooled. Filings for individual plans shall include base rates for all individual plans and filings for small group plans shall include base rates for all small group plans. Each individual and small group filing shall include all of the following information and documents:

(1) An actuarially sound estimate of incurred claims. Experience data, assumptions, and justifications of the carrier's projected incurred claims shall be provided in a manner consistent with the carrier's rate-making methodology and incorporate the following elements:

(a) A brief description of the carrier's rate-making methodology, including identification of the data used and the kinds of assumptions and projections made.

(b) The number of subscribers by family size, or covered persons for the plans included in the filing. These figures shall be shown for each month or quarter of the experience period and the prior two periods if not included in previous filings. This data shall be presented in aggregate for the plans included in the filing and in aggregate for all of the carrier's plans.

(c) Earned premium for each month or quarter of the experience period and the prior two periods if not included in previous filings, for the plans included in the filing.

(d) An estimate of the adjusted earned premium for each month or quarter of the experience period and prior two periods for the plans included in the filing.

(e) Claims data for each month or quarter of the experience period and the prior two periods. Examples of claims data are, incurred claims, capitation payments,

utilization data, unit cost data, and staffing data. The specific data elements included in the filing shall be consistent with the carrier's rate-making methodology.

(f) Documentation and justification of any adjustments made to the experience data.

(g) Documentation and justification of the factors and methods used to forecast incurred claims.

(2) A verifiable estimate of prudently incurred expenses. Experience data, assumptions, and justifications shall be provided by the carrier as follows:

(a) A breakdown of the carrier's expenses allocated or assigned to the plans included in the filing for the experience period or for the period corresponding to the most recent "annual statement";

(i) Health care service contractors shall provide the expense breakdown in the same format as the annual statement schedule "Underwriting and Investment Exhibit, Part 3, Analysis of Expenses" as revised from time to time;

(ii) Health maintenance organizations shall provide the expense breakdown in the same format as the "Annual Statement, Report #2: Statement of Revenues, Expenses and Net Worth," for the medical, hospital, and administrative expenses as revised from time to time;

(b) Identification of any experience period expenses that are extraordinary; and

(c) Documentation and justification of the assignment or allocation of expenses to the plans included in the filing; and

(d) Documentation and justification of forecasted changes in expenses.

(3) A well-justified provision for contribution to surplus, contingency charges, or risk charges. Assumptions and justifications shall be provided by a carrier as follows:

(a) The methodology, justification, and calculations used to determine the contribution to surplus, contingency charges, or risk charges included in the proposed base rates; and

(b) The carrier's net worth or reserves and unassigned surplus at the beginning of the experience period and at the end of the experience period.

(4) An actuarially sound estimate of forecasted investment earnings on assets related to claim reserves or other similar liabilities. The carrier shall include documentation and justification of forecasted investment earnings identified in dollars, and as a percentage of total premiums and the amount credited to the plans included in the filing.

(5) Adjustment of the base rate. Experience data, assumptions, justifications, and methodology descriptions shall be provided that include:

(a) Justifications for adjustments to the base rate, supported by data, attributable to geographic region, age, family size, use of wellness activities, and tenure discounts;

(b) Justifications, supported by data if appropriate, of any other factors or circumstances used to adjust the base rates; and

(c) Description of the methodology used to adjust the base rate to obtain the premium rate for a specific individual or group, which is detailed enough to allow the commissioner to replicate the calculation of premium rates if given the necessary data.

(6) Actuarial certification. Certification by an actuary, as defined by WAC 284-05-060(1), that the benefits and

services to be provided are reasonable in relation to the amount charged.

NEW SECTION

WAC 284-43-935 Experience records. (1) Every carrier shall maintain for each plan for the five most recent years, records of:

- (a) Incurred claims;
- (b) Earned premiums; and
- (c) Expenses.

(2) Such records shall include data for rider and endorsement forms that are used with the contract forms. Separate data may be maintained for each rider or endorsement form as appropriate. Experience under contract forms that provide substantially similar coverage may be combined for recordkeeping purposes.

NEW SECTION

WAC 284-43-940 Evaluating experience data. In determining the credibility and appropriateness of experience data, consideration shall be given to all relevant factors, including:

(1) Statistical credibility of the amount charged and services and benefits paid, such as low exposure, low loss frequency, and recoupment;

(2) Actual and projected trends relative to changes in medical costs and changes in utilization;

(3) The mix of business by risk classification; and

(4) Adverse selection or lapse factors reasonably expected in connection with revisions to plan provisions, services, benefits, and amount charged.

NEW SECTION

WAC 284-43-945 Summary for individual and small group contract filings.

PROPOSED

INDIVIDUAL AND SMALL GROUP FILING SUMMARY

Carrier Name	_____
Address	_____

Carrier Identification Number	_____

Rate Renewal Period:	From _____	To _____
Date Submitted:	_____	
Type of Filing:	Individual Plans <input type="checkbox"/>	Group Plans <input type="checkbox"/>

Proposed Rate Summary

Current community rate	_____	per month
Proposed community rate	_____	per month
Percentage change	_____	%
Portion of carrier's total enrollment affected	_____	%
Portion of carrier's total premium revenue affected	_____	%

Components of Proposed Community Rate

	Dollars Per Month	% of Total
a) Claims		
b) Expenses		
c) Contribution to surplus, contingency charges, or risk charges		
d) Investment earnings		
e) Total (a + b + c - d)		

Summary of Pooled Experience

	Experience Period		First Prior Period		Second Prior Period	
	From	To	From	To	From	To
Member Months						
Earned Premium						
Paid Claims						
Beginning Claim Reserve						
Ending Claim Reserve						
Incurred Claims						
Expenses						
Gain/Loss						
Contribution to Corporate Surplus						
Loss Ratio Percentage						

PROPOSED

PROPOSED

General Information

1. Trend Factor Summary

Type of Service	Annual Trend Assumed	Portion of Claim Dollars
Hospital	%	%
Professional	%	%
Prescription Drugs	%	%
Dental	%	%
Other	%	%

2. List the effective date and rate of increase for all rate changes in the past three rate periods.

1) _____ 2) _____ 3) _____
 Date % Date % Date %

3. Since the previous filing, have any changes been made to the factors or methodology for adjusting base rates?

- Geographic Area Yes No
- Family Size Yes No
- Age Yes No
- Wellness Activities Yes No
- Tenure Discounts Yes No
- Other (specify) Yes No

4. Attach a table showing the base rate for each plan affected by this filing.

5. Attach comments or additional information.

6. Preparers Information

Name: _____

Title: _____

Telephone Number: _____

NEW SECTION

WAC 284-43-950 Summary for group contract filings other than small group contract filings.

GROUPS OTHER THAN SMALL GROUPS FILING SUMMARY

Carrier Name	_____
Address	_____

Carrier Identification Number	_____
Contract Holder	_____
Contract Form Number	_____
Contract Number	_____

PROPOSED

Rate Renewal Period:	From _____	To _____	
Date Submitted:	_____		
Type of Filing	New Contract <input type="checkbox"/>	Revision of Existing Contract <input type="checkbox"/>	

Summary of New Rate Development

Current Rates	
Experience Rate Change	
Recoupment	
Reserves	
Benefit Changes	
Total New Rates	

PROPOSED

Summary of Contract Experience

	Experience Period		First Prior Period		Second Prior Period	
	From	To	From	To	From	To
Member Months						
Billed Premium						
Paid Claims						
Beginning Claim Reserve						
Ending Claim Reserve						
Incurred Claims						
Expenses						
Gain/Loss						
Experience Refund or Credit						
Earned Premium						
Contribution to Corporate Surplus						
Loss Ratio Percentage						

Attach comments or additional information.

Preparers Information

Name: _____

Title: _____

Telephone Number: _____

NEW SECTION

WAC 284-43-955 Effective date. This subchapter shall become effective on January 1, 1998.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-44-100	Authority and purpose.
WAC 284-44-110	Applicability and scope.
WAC 284-44-120	Definitions.
WAC 284-44-130	When filing is required.
WAC 284-44-140	General contents of all filings.
WAC 284-44-150	Experience records.
WAC 284-44-160	Evaluating experience data.
WAC 284-44-190	Unique contract forms.
WAC 284-44-200	Effective date.
WAC 284-44-210	"Filing document" form— Standard contract filing information.
WAC 284-44-220	"Filing document" form— Nonstandard contract filing information.

WSR 97-21-152

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed October 22, 1997, 11:15 a.m.]

The Department of Social and Health Services is withdrawing WAC 388-215-1210 proposed for adoption under WSR 97-17-100. This WAC has been renumbered, rewritten and proposed for adoption under WSR 97-21-106.

Merry Kogut, Manager
Rules and Policies Assistant Unit

WSR 97-21-154

**PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed October 22, 1997, 11:37 a.m.]

Original Notice.

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

Title of Rule: Recusal of board members.

Purpose: To adopt model rules promulgated by the state of Washington Executive Ethics Board regarding the duty of members of executive boards to recuse themselves in the event they have a beneficial interest in either a transaction before the board or in an entity involved in a transaction with the board.

Other Identifying Information: The model rules adopted by the Employee Retirement Benefits Board were promulgated by the Executive Ethics Board on July 18, 1997, in Supplemental Advisory Opinion 96-09A.

Statutory Authority for Adoption: RCW 41.50.086.

Statute Being Implemented: RCW 42.52.030, 42.52.903.

Summary: Proposed rules allow Employee Retirement Benefits Board members to disclose particular financial interests in contracts and other transactions and recuse themselves from discussing and voting on those matters.

Reasons Supporting Proposal: Some executive boards expressed concern to the Executive Ethics Board that a strict application of RCW 42.52.030 might prevent otherwise qualified members from serving on the board. Because of the language in RCW 42.52.903 expressing a legislative intent to avoid that result, the Executive Ethics Board developed model rules that would allow recusal on a transaction-by-transaction basis. The Employee Retirement Benefits Board must adopt those rules for itself in order to utilize them.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union Avenue, Olympia, WA, (360) 709-4747; Implementation and Enforcement: David Ward, 1025 East Union Avenue, Olympia, WA, (360) 586-0036.

Name of Proponent: Employee Retirement Benefits Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposed rules allow Employee Retirement Benefits Board members to disclose particular financial interests in contracts and other transactions and recuse themselves from discussing and voting on those matters. A number of executive boards expressed concern to the Executive Ethics Board that a strict application of RCW 42.52.030 might prevent otherwise qualified members from serving on the board. Because of the language in RCW 42.52.903 expressing a legislative intent to avoid that result, the Executive Ethics Board developed model rules that would allow recusal on a transaction-by-transaction basis. The anticipated effect is that board members who have a beneficial interest in a transaction can recuse themselves from the transaction rather than resigning from the board.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules apply to public employers and employees participating in the retirement systems administered by the Department of Retirement Systems. No private businesses are affected by the rules, therefore, no small business economic impact statement is required.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the agencies that RCW 34.05.328 applies to. The Department of Retirement Systems does not opt to voluntarily bring itself within the coverage of those rules.

Hearing Location: Boardroom, State Investment Board, 2424 Heritage Court S.W., Olympia, WA 98504-0916, on November 25, 1997, at 9:00.

Assistance for Persons with Disabilities: Contact Paul Neal, TDD (360) 586-5450, or (360) 709-4747.

Submit Written Comments to: David Ward, P.O. Box 48380, Olympia, WA 98504-8380, FAX (360) 753-3166.

Date of Intended Adoption: December 3, 1997.

October 22, 1997
Paul Neal
Rules Coordinator

NEW SECTION

WAC 415-200-050 Recusal of board members—Beneficial interest in transaction. (1) When a member of the board is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase or grant that may be made by, through, or is under the supervision of the board, in whole or in part, or when the member accepts, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in such contract, sale, lease, purchase or grant, the member shall:

(a) Recuse him or herself from the board discussion regarding the specific contract, sale, lease, purchase or grant;

(b) Recuse him or herself from the board vote on the specific contract, sale, lease, purchase or grant; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific contract, sale, lease, purchase or grant.

(2) The prohibition against discussion set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3) Under subsection (1) of this section, "any other person" has a beneficial interest in a contract, sale, lease, purchase or grant when the other person bids or otherwise seeks to be awarded the contract, sale, lease, purchase or grant.

Example: The board is composed in part of individuals who are employed by companies which provide investment options to retirement plans. The board is in the process of selecting investment options for the defined contribution portion of the Teachers' Retirement System Plan 3. A company which employs one of the board members has bid on the contract. The board member who is employed by the bidding company may use his general expertise to educate and provide general information to the board regarding investments and defined contribution retirement plans in general. The member is prohibited from participating in the board discussion and analysis implementing the criteria for selecting an investment company, and is prohibited from participating in the board vote to select the company.

Example: The board has a contract with an investment company to provide investment options for the defined contribution portion of Teachers' Retirement System Plan 3 (TRS Plan 3). The board's contract with the investment company is almost expired, and the board must seek proposals from investment companies for the next contract period. The board issues a request for proposal to various investment companies, including Investment Company "A." Approximately one year ago, a board member worked for Investment Company "A"

and received compensation from that company. The board member subsequently retired. The board member is not required to recuse himself from selecting the investment company for TRS Plan 3. Investment Company "A" did not have a beneficial interest in the board's contract until it bid on the contract. Therefore, Investment Company "A" was not beneficially interested in the contract when the board member received the compensation. However, if the board member received compensation from Investment Company "A" after it bid on the contract, the board member would be required to disclose the fact that she received the compensation from the bidder, and to recuse herself from the board's specific discussion and the vote awarding the contract.

NEW SECTION

WAC 415-200-060 Recusal of board members—Beneficial interest in entity engaged in transaction with the board. (1) When a member of a board either owns a beneficial interest in or is an officer, agent, employee or member of an entity or individual which is engaged in a transaction involving the board the member shall:

(a) Recuse him or herself from the board discussion regarding the specific transaction;

(b) Recuse him or herself from the board vote on the specific transaction; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction involving the board" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question believes, or has reason to believe:

(i) Is, or will be, the subject of board action; or

(ii) Is one to which the board is or will be a party; or

(iii) Is one in which the board has a direct and substantial proprietary interest.

(b) "Transaction involving the board" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a "transaction involving the board."

(4) "Board action" means any action on the part of the board, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; or

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to

act with respect to a decision, determination, finding, ruling, or order.

Example: The board selects investment options for the deferred compensation program. The board currently has a contract with Investment Company "B" which allows program participants to purchase Company "B's" stock. The board is in the process of determining whether to renew Company "B's" contract. One of the board members owns fifty shares of Company "B" stock. That board member must recuse herself from the board's discussion and vote regarding whether to renew Company "B's" contract. The board member also must refrain from attempting to influence the remaining board members in their discussion and vote regarding the contract renewal.

Example: The board selects investment options for the deferred compensation program. The board is in the process of obtaining proposals from mutual fund companies to provide mutual fund options to program participants. Mutual Fund Company "C" bids on the contract. A board member owns one hundred shares of Mutual Fund "C," but does not have any management powers in the mutual fund company. The board member does not have a beneficial interest in Mutual Fund Company "C." RCW 42.52.010(4). The board member thus is not required to recuse himself from the board's discussion and vote on the mutual fund contract.

NEW SECTION

WAC 415-200-070 Recusal of board members—Disclosure of reason for recusal. If recusal occurs pursuant to WAC 415-200-050 or 415-200-060, the member of the board shall disclose to the public the reasons for his or her recusal from any board action whenever recusal occurs. The board staff shall record each recusal and the basis for the recusal.

WSR 97-21-155 PROPOSED RULES

INSURANCE COMMISSIONER'S OFFICE

[Filed October 22, 1997, 11:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-16-048.

Title of Rule: Managed care health plan rules.

Purpose: Revision, repeal, and adoption of rules affecting health plans offered by disability insurers, health care service contractors and health maintenance organizations to create a consistent regulatory environment for managed health care. In addition, rules are amended to conform to the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) which preempts state law to the extent that the federal provisions offer greater protection to groups and individuals.

Other Identifying Information: Insurance Commissioner Matter No. R 97-3.

Statutory Authority for Adoption: RCW 48.02.060, 48.20.450, 48.20.460, 48.30.010, 48.44.020, 48.44.050, 48.44.080, 48.46.030, 48.46.060(2), 48.46.200, and 48.46.243.

Statute Being Implemented: RCW 48.43.055, 48.43.087, 48.44.020, 48.44.070, 48.46.030, 48.46.040, 48.46.243.

Summary: The rules establish new reporting standards for health care networks, consumer grievances, and health plan sales. The rules establish minimum standards for health care provider and facility contracts and revised standards for filing such contracts. The rules set forth standards for health carrier grievance procedures. Finally, the rules amend existing standards for issuance and renewal of health plans and use of preexisting condition exclusions as necessary to conform to federal law. Some sections contained in the proposed rule are simply recodification necessary for administrative purposes.

Reasons Supporting Proposal: Adoption of uniform standards related to managed care, and consolidation of health care rules to chapter 284-43 WAC will simplify regulatory oversight and carrier compliance with insurance laws. Wherever possible, rules have effective dates that provide lengthy time periods for compliance and reporting requirements rather than mandated practices.

Name of Agency Personnel Responsible for Drafting: John Conniff, Deputy Commissioner, Olympia, Washington, (360) 664-3786; Implementation and Enforcement: Ida Zodrow, Deputy Commissioner, Olympia, Washington, (360) 664-8137.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules include a uniform set of definitions to be used in existing rules, and in future rule making to simplify general understanding of rules by consumers and health carriers. Health carriers are required to maintain adequate provider networks and to contract with health care providers in a manner that does not discriminate against those who treat the sickest segments of the population. In addition, carriers must report how their plan networks are created and maintained. These network rules are necessary to ensure residents of the state reasonable access to quality care in managed care health plans and to clarify current regulatory requirements for all health carriers. Adding a consumer grievance report to existing reporting requirements assists the commissioner in monitoring health carrier treatment of consumers. Uniform standards for grievance procedures will ensure consumers have consistent remedies for complaints against carriers.

Proposal Changes the Following Existing Rules: WAC 284-44-240 and 284-46-575 are repealed and replaced with a new requirement consistent with RCW 48.44.070 and 48.46.243, which statutes require that each type of provider contract be filed with the commissioner fifteen days prior to use. The short-term health insurance reform, chapter 284-10 WAC, is repealed in its entirety; similar updated rules are

PROPOSED

adopted and codified in chapter 284-43 WAC reflecting changes to state statutes and new federal laws.

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

Small Business Economic Impact Statement

(a) Is the rule required by federal law or federal regulation? The commissioner proposes Subchapter G of this set of rules as a result of new federal laws concerning issuance, renewal and portability of health plans. Subchapter G modifies existing rules so that they are in compliance with the federal Health Insurance Portability and Accountability Act of 1996. There are no other subchapters that are required by federal law.

(b) What industry is affected by the proposed rule? The industry code that would be affected by the proposed rules includes hospital and medical service plans, industry code #6324. In Washington, such plans are called health care service contractors (HCSCs) and health maintenance organizations (HMOs). In addition, the rules apply to any health carrier (#6321) that offers Medicare select policies.

(c) List the specific parts of the proposed rule, based on the underlying statutory authority (RCW section), which may impose a cost to businesses. The rules impose new filing requirements. Most of the filing requirements are modifications to more general requirements already in existence. For example, the statute requires carriers to file "grievance procedures" (RCW 48.43.055); however, there are currently no rule specifications regarding the format and organization of these filings. These rules propose specific formats for filing grievance reports, health care network information, and provider contracts. Although general statutory filing requirements exist for all of this information, the commissioner believes it is important to explicitly set forth in a rule, specific filing formats. With specific formats, the carrier knows exactly what type of information to file and staff analysts from the Office of the Insurance Commissioner (OIC) are able to process the information in a meaningful manner. The intended result of the proposed rules is to achieve uniformity in this process for all carriers, consistent with applicable statutes and regulations and standard carrier practices. Although these requirements may streamline processes in the long run, they will impose costs on carriers to develop filing systems appropriate to accommodate the new requirements.

In addition to the filing requirements, the rules impose new grievance procedure standards. The intended result of these proposed requirements is to achieve uniformity in the grievance review process for all carriers, consistent with applicable statutes and regulations. It is not the intent of the proposed standards to impose significant costs on the carriers, but rather to reflect the "best practices" in the market and provide positive incentives to carriers to improve current standards if needed. All HCSCs and HMOs currently have grievance procedures in place. Generally, the standard practices of these companies will be similar to proposed standards. These standards are proposed to provide protection to consumers so that all carriers have consistent, adequate grievance procedures in place.

The commissioner recognizes the potential for costs associated with the time required for reading and comprehending the new rules. Extended periods of time to comply

with the requirements have been incorporated to lessen this burden. The goal of this impact statement is to determine whether potential costs would disproportionately affect small carriers doing business in Washington state.

(d) What will be the compliance costs for industries affected? The intent of the proposed rules is to set forth, in rules, a consistent set of information on which to evaluate managed care practices and procedures. In order to thoroughly and consistently review and report this information, a set of proposed filing requirements is included in these rules. Some of these filing requirements are new to the health carriers and will increase the costs of compliance to this industry; however, rule drafters have attempted to create filing requirements which reflect, as much as possible, the way health carriers currently do business.

New filing requirements that may impose additional compliance costs on health carriers include:

- Network adequacy reports.
- Grievance procedure reports.

In addition, health carriers may incur costs to comply with new grievance review standards.

(e) What percentage of the industries in the four-digit standard industrial classification will be affected by the rule? This proposed rule would affect one hundred percent of the health carriers that offer health plans subject to regulation by the Insurance Commissioner.

(f) Will the rule impose a disproportionately higher economic burden on small businesses within the four-digit classification? In order to evaluate the effects of the proposed rules on large and small HCSCs and HMOs, it is important to recognize the varying structure of the health carriers within the industry. Tables 1 and 2 (on the following page) describe the types of health benefit plans that are currently offered by the largest and smallest HCSCs and HMOs in Washington state. The carriers will remain anonymous to maintain confidentiality. There are currently only two health carriers that have under 50 employees in the state of Washington. These "small" carriers (as defined in RCW 19.85.020(1)) exclusively offer health plans that are not subject to the proposed rules (e.g. Medicaid plans, subsidized basic health plans). Conversely, all of the largest four carriers (largest 10%) described in Table 2 offer plans that are subject to rate review by the commissioner and would be subject to the proposed rules. Due to the types of benefit plans small carriers choose to offer, they are effectively excluded from the requirements of the proposed rules. Thus, the proposed rules do not appear to disproportionately burden "small" HCSCs and HMOs.

Table 1

Small HCSCs and HMOs

<u>Types of Plans Marketed by Carrier</u> (1997 data)			
Health Carrier	Individual and Small Group Health Plans	Large Group Plans	State or Federally funded Plans (<u>not</u> subject to OIC managed care rules)
Subject to OIC Managed Care Rules		<u>Not</u> Subject to OIC Managed Care Rules	
A			X
B			X

PROPOSED

Table 2

Large HMOs and HCSCs

<u>Types of Plans Marketed by Carrier</u> (1997 data)			
Health Carrier	Individual and Small Group Health Plans	Large Group Plans	State or Federally funded Plans (<u>not</u> subject to OIC managed care rules)
Subject to OIC Managed Care Rules		Subject to OIC managed care rules	
A	X	X	X
B	X	X	X
C	X	X	X
D	X	X	X

(g) Can mitigation be used to reduce the economic impact of the rule on small businesses and still meet the stated objective of the statutes that are the basis of the proposed rule? Both of the small carriers in the state specialize in Medicaid and subsidized BHP products. One of the small carriers, however, is expanding its coverage to include Washington state employees or the Public Employees Benefits Board (PEBB) plan in 1998. In an effort to mitigate costs to these smaller carriers, the rule drafters attempted to mirror many of the current standards and filing requirements involved in the Washington state request for proposal (RFP) process. The RFP process involves carriers bidding for state contracts by submitting proposals with required rate, grievance, and benefit information. The proposed rules mirror this process.

Two technical workgroup meetings with carrier staff familiar with the filing process were held specifically to discuss aspects of the draft rules that may potentially create compliance difficulties. Table 3 summarizes the cost reduction efforts that have taken place to reduce the economic burden on small businesses affected by the rules.

Table 3

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<u>Preliminary Drafts</u>		<u>Proposed Rule (CR-102)</u>
Grievance Procedures and Filings		
Previous drafts requested carriers notify providers and enrollees of various decisions by phone.		The rule was changed so that notification by telephone is not required.
Cost impacts: ⇨ Carriers were concerned that the phone may not always be the most practical and/or expeditious manner in which to notify someone.	Cost Reduction →→→→	Cost impacts: ⇨ This requirement was eliminated.
Previous versions included distinct procedural requirements for cases of adverse determination and other grievances.		The requirements were consolidated so that only one set of procedures is prescribed for all types of grievances
Cost impacts: ⇨ Carriers found two distinct processes to be cumbersome and not reflective of standard practices.	Cost Reduction →→→→	Cost impacts: ⇨ Newer version streamlines process.
Provider Contracts		
Previous versions included provisions for intermediary contracting which included requirements that copies of the intermediary's books and records be kept in the carrier's principal place of business		Eliminated
Cost Estimates: ⇨ Smaller carriers were concerned that these provisions would force carriers to incur storage expenses (some estimates in excess of \$10,000/year)	Cost Reduction →→→→	Cost Estimates: ⇨ Eliminated, reducing potential costs to zero.

PROPOSED

<u>Preliminary Drafts</u>		<u>Proposed Rule (CR-102)</u>
Network Reporting Requirements		
Previous versions requested a provider report for each plan categorized by types of professions.		Current rule requests an electronic master list copy of all providers.
Cost Estimates: ⇒ This produces a great deal of paper to be filed increasing filing and mailing expenses. Also categorization of list may add labor hours.	Cost Reduction →→→→	Cost Estimates: ⇒ Eliminates paper filings since this report needs to be frequently updated. With the master list, OIC staff analysts can categorize data as needed.
Previous versions of the rule required a specific software to be used to compile and report network information.		Current rule allows carriers to use any appropriate software to compile and report network information.
Cost Estimates: ⇒ Although most carriers use the prescribed software, they were concerned this rule might be too restrictive as practices may want to change systems in the future.	Cost Reduction →→→→	Cost Estimates: ⇒ Newer version allows more flexibility that carriers can choose a software package appropriate for their type of practice.

(h) **What steps will the commissioner take to reduce the costs of the rule on small businesses?** As described in Table 3, the commissioner has taken steps to reduce the costs imposed by the rules. Small carriers are invited to provide input throughout the rule drafting process. The drafters will continue to meet with HMO and HCSC representatives to discuss the proposed rules.

(i) **Which mitigation techniques have been considered and incorporated into the proposed rule?** On September 30th and October 8, 1997, carriers were invited to meetings to discuss potential costs produced by the proposed rules. Changes were proposed and incorporated into the current draft rules. Details of mitigation efforts are described in Table 3.

(j) **Which mitigation techniques were considered for incorporation into the proposed rule but were rejected, and why?** Carrier representatives voiced concerns regarding the grievance review procedures and requested that the commissioner consider appending the rule to allow "deemers." The requested "deemers" would allow carriers who are certified under a nationally recognized quality assurance certification process to be deemed in compliance with these requirements. This mitigation technique was considered, but not incorporated at the time of filing in order to explore the issue further during the notice and public comment period of the rule-making process.

(k) **Briefly describe the reporting, recordkeeping, and other compliance requirements of the proposed rule.** The managed care rules are designed to be consistent with applicable statutes and regulations and standard carrier practices. It is not the intent of these rules to require

recordkeeping that is not consistent with the standard practice and sound financial management of health carriers. Health carriers are required to file reports regarding grievance procedures, networks, and provider contracts. All data would come from records and reports that are maintained as part of the standard carrier practices.

(i) **List the kinds of professional services that a small business is likely to need in order to comply with the reporting, recordkeeping, and other compliance requirements of the proposed rule.** In the event a health carrier has difficulty comprehending the intent of the proposed rules, the Insurance Commissioner will make resources available to assist the carrier in understanding and complying with the proposed rules. "Small" businesses (as defined in RCW 19.85.020(1)) will not need to employ additional professional services as a result of these rules. The commissioner, however, will make efforts to explore any potential disproportionate impacts on relatively small businesses by soliciting cost information and including health carrier representatives in all technical workgroups. It is possible that the rules may impose disproportionate costs on "relatively" small health carriers (although they employ over fifty employees). The commissioner will continue to make efforts to ensure that smaller carriers will not need to employ disproportionately more resources than larger carriers in order to comply with the rules.

(m) **Analyze the cost of compliance including, specifically:**

- **Cost of equipment:** No additional cost of equipment expected.

PROPOSED

- **Cost of supplies:** No additional cost of supplies expected.
- **Cost of labor:** Companies may need to devote additional labor hours to complete the initial filing under the revised criteria.
- **Cost of increased administration:** More in-depth filing requirements may require additional administrative coordination.

(n) Compare the cost of compliance for small business with the cost of compliance for the largest businesses in the same four-digit classification, using one or more of the following (as specifically required by RCW 19.85.040 (1)(a), (b), and (c)). Health carriers offering managed care plans currently must file grievance procedure reports and network adequacy and provider contract information. The target of the managed care rules is to provide a consistent set of criteria for all plan filings and procedures under the jurisdiction of the OIC.

Due to the structure of the "small" health carriers in this state, small companies are effectively excluded from a significant portion of the filing requirements and potential cost impacts of the rules. The only small health carrier that will be impacted by the rules is currently complying with state RFP guidelines regarding network sufficiency and grievance procedures. The proposed rules will require that some of this information be filed with the commissioner; however, it will be the same or similar information that is required for a PEBB request for proposal.

The cost impact on these "small" businesses is minimal. One of the small carriers will not be impacted (\$0.00 impact) while the other carrier will essentially only be required to photocopy information filed with the Health Care Authority. The cost impact on larger carriers is greater than \$0 per employee and will require more than simply photocopying information included in state RFPs. Therefore, these proposed rules do not disproportionately burden "small" health carriers in this state. The commissioner will continue to solicit input and consider further mitigation of possible cost impacts on medium-sized businesses (with 100-300 employees) relative to larger carriers. In an effort to reduce disproportionate filing burdens on smaller businesses, the commissioner has modified and eliminated a number of requirements (see Table 3).

(o) Have businesses that will be affected been asked what the economic impact will be? All carriers were informed of the commissioner's intent to draft rules regarding managed care for all health carriers in July 1997. The CR-101 for the rules was filed on July 31, 1997. Two technical workgroup meetings to discuss cost impacts were held in September and October. Additional workgroup meetings will be held before the rule-making hearing.

(p) How did the commissioner involve small businesses in the development of the proposed rule? All small HCSCs and HMOs were invited to provide feedback to the commissioner regarding the intent to draft rules pertaining to managed care reporting standards in July 1997. Small carriers were sent copies of the draft rule in September and asked to provide comments to the commissioner. Two workgroup meetings that included representatives from small carriers were held throughout September and October of 1997.

(q) How and when were affected small businesses advised of the proposed rule? Small carriers were advised of the proposed rules in writing on July 31, 1997. Also, see parts (o) and (p) for more details.

A copy of the statement may be obtained by writing to Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98506-0256 [98504-0256], phone (360) 407-0729, or FAX (360) 407-0569.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption.

Hearing Location: John Cherberg Building, Senate Hearing Room 4, Olympia, Washington, on December 1, 1997, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Steve Carlsberg, (360) 664-3154 by November 25, 1997.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, or electronically at kacyb@oic.wa.gov, FAX (360) 407-0569, by November 25, 1997.

Date of Intended Adoption: December 30, 1997.

October 22, 1997

John S. Conniff

Deputy Commissioner

**Chapter 284-43 WAC
HEALTH CARRIERS AND HEALTH PLANS**

**SUBCHAPTER A
GENERAL PROVISIONS**

NEW SECTION

WAC 284-43-110 Purpose. The purpose of this chapter is to establish uniform regulatory standards for health carriers and to create minimum standards for health plans that ensure consumer access to the health care services promised in these health plans.

NEW SECTION

WAC 284-43-120 Applicability and scope. This chapter shall apply to all health plans and all health carriers subject to the jurisdiction of the state of Washington except as otherwise expressly provided in this chapter. This chapter is in addition to other rules and statutes governing health carriers and health plans but shall supersede any conflicting rules in this title to the extent of the inconsistency in accordance with the effective dates set forth in this chapter. Health carriers are responsible for compliance with the provisions of this chapter and are responsible for the compliance of any person or organization acting on behalf of or at the direction of the carrier, or acting pursuant to carrier standards or requirements concerning the coverage of, payment for, or provision of health care services. Nothing in this chapter shall be construed to apply to the direct regulation of health care providers or facilities by the office of the insurance commissioner.

NEW SECTION

WAC 284-43-130 Definitions. Except as defined in other subchapters and unless the context requires otherwise, the following definitions shall apply throughout this chapter.

- (1) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.
- (2) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.
- (3) "Closed plan" means a managed care plan that requires covered persons to use network providers under the terms of the managed care plan except in very limited circumstances such as for emergencies outside the plan's service area.
- (4) "Covered benefits" means those health care services to which a covered person is entitled under the terms of a health plan.
- (5) "Covered person" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by a health plan.
- (6) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.
- (7) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.
- (8) "Enrollee point-of-service cost-sharing" or "cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.
- (9) "Facility" means an institution providing health care services, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory, and imaging centers, and rehabilitation and other therapeutic settings.
- (10) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding:
- (a) Denial of health care services or payment for health care services; or
 - (b) Issues other than health care services or payment for health care services including dissatisfaction with health care services, delays in obtaining health care services, conflicts with carrier staff or providers, and dissatisfaction with carrier practices or actions unrelated to health care services.
- (11) "Health care provider" or "provider" means:
- (a) A person regulated under Title 18 RCW or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(12) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(13) "Health carrier" means a person or entity subject to the insurance laws and rules of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract, or enters into an agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including a disability insurance company, a health care service contractor, a health maintenance organization, and a fraternal benefit society.

(14) "Health plan" means any individual or group policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care service except the following:

- (a) Long-term care insurance governed by chapter 48.84 RCW;
- (b) Medicare supplemental health insurance governed by chapter 48.66 RCW;
- (c) Limited health care service offered by limited health care service contractors in accordance with RCW 48.44.035;
- (d) Disability income;
- (e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;
- (f) Workers' compensation coverage;
- (g) Accident only coverage;
- (h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;
- (i) Employer-sponsored self-funded health plans; and
- (j) Dental only and vision only coverage.

(15) "Managed care plan" means a health plan including a medicare supplemental and limited health plan described in subsection (14)(b) and (c) of this section offered by a health carrier that provides for the delivery of health care services using a system or techniques to affect access to and control payment for health care services. Managed care techniques most often include one or more of the following:

- (a) Prior, concurrent, and retrospective review of the medical necessity and appropriateness of services or site of services;
- (b) Contracts with selected health care providers;
- (c) Financial incentives or disincentives for enrollees to use specific providers, services, or service sites;
- (d) Controlled access to and coordination of services by a case manager; and
- (e) Carrier efforts to identify treatment alternatives and modify benefit restrictions for high cost patient care. Managed care plan does not include traditional indemnity insurance policies.

(16) "Network" means the group of participating providers and facilities providing health care services to a particular health plan. A health plan network for carriers offering more than one health plan may be smaller in number than the total number of participating providers and facilities for all plans offered by the carrier.

(17) "Participating provider" and "participating facility" means a facility or provider who, under a contract with the

health carrier or with the carrier's contractor or subcontractor, has agreed to provide health care services to covered persons with an expectation of receiving payment, other than coinsurance, copayments, or deductibles, directly or indirectly from the health carrier.

(18) "Person" means an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity, or any combination of the foregoing.

(19) "Primary care provider" means a participating provider designated by the health carrier to supervise, coordinate, or provide initial care or continuing care to a covered person, and who may be required by the health carrier to initiate a referral for specialty care and maintain supervision of health care services rendered to the covered person.

(20) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(21) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(22) "Small group" means a health plan issued to a small employer as defined under RCW 48.43.005(24) comprising from one to fifty eligible employees.

SUBCHAPTER B HEALTH CARE NETWORKS

NEW SECTION

WAC 284-43-200 Network adequacy. (1) A health carrier offering a managed care plan that relies upon a network shall maintain each plan network in a manner that is sufficient in numbers and types of providers and facilities to assure that all health plan services to covered persons will be accessible without unreasonable delay. In the case of emergency services, covered persons shall have access twenty-four hours per day, seven days per week. The carrier's service area shall not be created in a manner designed to discriminate against persons because of age, sex, family structure, ethnicity, race, health condition, employment status, or socioeconomic status. Each carrier shall ensure that its networks will meet these requirements by the end of the first year of operation; or, for those plans already in existence, within six months after the effective date of this rule.

(2) Sufficiency may be established by the carrier with reference to any reasonable criteria used by the carrier, including but not limited to: Provider-covered person ratios by specialty, primary care provider-covered person ratios, geographic accessibility, waiting times for appointments with participating providers, hours of operation, and the volume of technological and specialty services available to serve the needs of covered persons requiring technologically advanced or specialty care. Evidence of carrier compliance with standards established by state agency health care purchasers

(e.g., the state health care authority and the Department of Social and Health Services) may be used to demonstrate sufficiency.

(3) In any case where the health carrier has an insufficient number or type of participating providers to provide a covered health care service, the carrier shall ensure through referral by the primary care provider or otherwise that the covered person obtains the covered service at no greater cost to the covered person than if the service were obtained from network providers and facilities, or shall make other arrangements acceptable to the commissioner.

(4) The health carrier shall establish and maintain adequate arrangements to ensure reasonable proximity of network providers and facilities to the business or personal residence of covered persons. In determining whether a health carrier has complied with this provision, the commissioner will give due consideration to the relative availability of health care providers in the service area under consideration and to the standards established by state agency health care purchasers.

(5) A health carrier shall monitor, on an ongoing basis, the ability, clinical capacity, financial capability and legal authority of its network providers and facilities to furnish health plan services to covered persons.

NEW SECTION

WAC 284-43-210 Network reporting requirement and access plan. Beginning January 1, 1999, health carriers shall file with the commissioner an access plan meeting the requirements of this subchapter for each of the managed care plans that the carrier offers in this state. The health carrier shall make the access plans available on its business premises and shall provide them to any interested party upon request. The carrier shall prepare an access plan prior to offering a new managed care plan, and shall update an existing access plan whenever it makes any material change to an existing managed care plan. The access plan shall contain at least the following:

(1) A description of the health carrier's network of providers and facilities by license or certification type and by geographic location;

(2) The following provision is a restatement of a statutory requirement found in RCW 48.43.095 (1)(c): "A full description of the procedures to be followed by an enrollee for consulting a provider other than the primary care provider and whether the enrollee's primary care provider, the carrier's medical director, or another entity must authorize the referral";

(3) A description of the health carrier's process for monitoring and assuring on an ongoing basis the sufficiency of the network to meet the health care needs of populations that enroll in managed care plans;

(4) A description of the health carrier's efforts to address the needs of covered persons with limited English proficiency and literacy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities;

(5) A description of the health carrier's methods for assessing the health care needs of covered persons and their satisfaction with services;

(6) A description of the health carrier's method of informing covered persons of the plan's services and

features, including but not limited to, the plan's grievance procedures, its process for covered persons choosing and changing providers, and its procedures for providing and approving emergency and specialty care including the following restated statutory requirements found in RCW 48.43.095 (1)(e), (f), and (i): "Procedures, if any, that an enrollee must first follow for obtaining prior authorization for health care services. . . , and. . . description of any reimbursement or payment arrangements, including, but not limited to, capitation provisions, fee-for-service provisions, and health care delivery efficiency provisions, between a carrier and a provider. . . , and. . . Descriptions and justifications for provider compensation programs, including any incentives or penalties that are intended to encourage providers to withhold services or minimize or avoid referrals to specialists";

(7) A description of the health carrier's system for ensuring the coordination and continuity of care for covered persons referred to specialty physicians, for covered persons using ancillary services, including social services and other community resources, and for ensuring appropriate discharge planning;

(8) A description of the health carrier's proposed plan for providing continuity of care in the event of contract termination between the health carrier and any of its participating providers and facilities, or in the event of the health carrier's insolvency or other inability to continue operations. The description shall explain how covered persons will be notified of the contract termination, or the health carrier's insolvency or other cessation of operations, and transferred to other providers in a timely manner; and

(9) A description of the health carrier's strategy for integrating public health goals with health services offered to covered persons under the managed care plans of the health carrier, including a description of the health carrier's good faith efforts to initiate or maintain communication with public health agencies.

(10) A description of the health carrier's methods for assessing the health status of its covered persons including a description of how the carrier incorporates findings of local public health community assessments.

With respect to the above required elements of an access plan, each carrier shall provide sufficient information to allow consumers to determine the extent of a carrier's efforts. For example, if a carrier makes little or no effort to coordinate health plan services with public health goals, then the carrier shall report that it does not coordinate services with public health goals.

NEW SECTION

WAC 284-43-220 Network reports—Format.

Beginning January 1, 1999, health carriers shall provide a description of each of its managed care plan networks to the commissioner. In describing its network, each carrier shall include an explanation of its established access standards, indicating the criteria used to measure the standards. For example, a carrier should indicate whether travel distances or driving times are used, the carrier should indicate who the carrier classifies as primary care providers, and who the carrier classifies as obstetric health care providers.

In order to show plan compliance with its own self-defined access standards, each health carrier shall submit quarterly network accessibility analysis reports and other data, according to the following specifications and data standards:

(1) To ensure quality and consistency for plan comparison purposes, each carrier shall use a network accessibility system certified by the commissioner. Carriers should contact the commissioner for information on the systems certified.

(2) Each carrier shall prepare at least three accessibility analysis reports described below, separately for each managed care plan as follows:

(a) A map identifying the location of primary care providers with differentiation between single and multiple provider locations.

(b) A table reporting alphabetically by covered county:

(i) Total number of covered persons;

(ii) Total number of providers;

(iii) Number of covered persons meeting the carrier's access standard;

(iv) Percent of covered persons meeting the carrier's access standard; and

(v) Average travel distance to at least one primary care provider.

(c) A provider listing report indicating, alphabetically by county then by city, the total number of covered persons and the total number of primary care providers, obstetrical providers, pediatricians, hospitals, nonphysician providers, and pharmacies. This report shall be in an electronic format and shall contain all the data items as shown in the table below and shall be updated monthly. The filing of this provider data satisfies the reporting requirements of RCW 48.44.080 and the requirements of RCW 48.46.030 relating to filing of notices that describe changes in the provider network.

(d) An electronic file containing all the backup data used to generate the reports in (b) of this subsection.

(3) Information reported shall conform to the following standards:

(a) Covered persons data shall be reported in "geocoded" longitude and latitude by county, zip code, and class (urban/suburban/rural);

(b) Provider data shall be exactly "geocoded" using a geocoding system certified by the commissioner.

PROPOSED

PROVIDER LISTING FORMAT

ORGANIZATION REPORTING: _____

FOR THE QUARTER ENDED : _____

FIELD NAME	PROVIDER TYPE			FIELD WIDTH	VALID CODES/STANDARD
	PRACTITIONER	HOSPITAL	PHARMACY		
Health Carrier	*	*	*	10	Alpha
Provider Type	*	*	*	1	1=Practitioner, 2=Hospital, 3=Pharmacy
Managed Care Plan	*	*	*	20	Alpha
Plan Contract Number	*	*	*	10	Numeric
National Provider Identifier					If available
WA Licence Number (Primary)	*			10	AA00000000 (2 Alpha, 8 Numeric)
WA Licence Number (Secondary)	*			10	AA00000000 (2 Alpha, 8 Numeric)
Licence Type	*			12	Alpha
Primary Specialty	*			14	Alpha
Secondary Specialty	*			14	Alpha
Birth Date	*			10	Month-Day-Year (XX-XX-XXXX)
Last Name	*			25	Alpha
First Name	*			15	Alpha
Middle Initial/Name	*			15	Alpha
Business on Building	*	*	*	36	Alphanumeric
Address 1	*	*	*	36	Not a PO Box, meets US Postal Service requirements
Address 2	*	*	*	36	Not a PO Box, meets US Postal Service requirements
City	*	*	*	20	Alpha
State	*	*	*	2	WA,OR,ID
Zip	*	*	*	10	Numeric
County	*	*	*	13	Alpha
Languages, other than English	*			30	Alpha, If multiple, truncate and separate with commas
Day Phone	*			23	(XXX) XXX-XXXX ext XXXXX
PCP, Specialist or Both	*			1	P=PCP, S=Specialist, B= Both
Provides obsteric care?	*			1	Y=Yes, N=No
Enrollee capacity	*			5	Numeric

* = Required

Proposed

[160]

Date: _____

Signed: _____

Title: _____

NEW SECTION

WAC 284-43-250 Health carrier standards for women's right to directly access certain health care practitioners for women's health care services. (1) "Women's health care services" is defined to include, but need not be limited to, maternity care, reproductive health services, gynecological care, general examination, and preventive care as medically appropriate, and medically appropriate follow-up visits for these services. General examinations, preventive care, and medically appropriate follow-up care are limited to services related to maternity, reproductive health services, gynecological care, or other health services that are particular to women, such as breast examinations. Women's health care services also include any appropriate health care service for other health problems, discovered and treated during the course of a visit to a women's health care practitioner for a women's health care service, which is within the practitioner's scope of practice.

(2) A health carrier shall not deny coverage for medically appropriate laboratory services, imaging services, diagnostic services, or prescriptions for pharmaceutical or medical supplies, which are ordered by a directly accessed women's health care practitioner, and which are within the practitioner's scope of practice, if such services would be covered when provided by another type of health care practitioner. A health carrier shall not require authorization by another type of health care practitioner for these services.

(3)(a) All health carriers shall permit each female policyholder, subscriber, enrolled participant, or beneficiary of carrier policies, plans, and programs written, amended, or renewed after July 23, 1995, to directly access the types of women's health care practitioners identified in RCW 48.42.100(2), for appropriate covered women's health care services without prior referral from another health care practitioner.

(b) Direct access may be limited to those women's health care practitioners who have signed participating provider agreements with the carrier for a specific benefit plan network. Every carrier shall include in each provider network, a sufficient number of each type of practitioner included in the definition of women's health care practitioners in RCW 48.42.100(2) to ensure that enrollees can exercise their right of direct access.

(4) To inform enrollees of their rights under RCW 48.42.100, all health carriers shall include in enrollee handbooks a written explanation of a woman's right to directly access women's health care practitioners for covered women's health care services. Enrollee handbooks shall include information regarding any limitations to direct access, including, but not limited to:

(a) Limited direct access based on a benefit plan's closed network of practitioners, if appropriate; and

(b) The carrier's right to limit coverage to medically necessary and appropriate women's health care services.

(5) No carrier shall impose cost-sharing, such as copayments or deductibles, for directly accessed women's health care services, that are not required for access to health care practitioners acting as primary care providers.

**SUBCHAPTER C
PROVIDER AND FACILITY CONTRACTS**

NEW SECTION

WAC 284-43-300 Provider and facility contracts with health carriers—Generally. A health carrier contracting with providers or facilities for health care service delivery to covered persons shall satisfy all the requirements contained in this subchapter. The health carrier shall ensure that providers and facilities subcontracting with these providers and facilities under direct contract with the carrier also satisfy the requirements of this subchapter.

NEW SECTION

WAC 284-43-310 Selection of participating providers—Credentialing and unfair discrimination. (1) Health carrier selection standards for participating providers and facilities shall be developed by the carrier for primary care providers and each health care provider or facility license or professional specialty. The standards shall be used in determining the selection of health care providers and facilities by the health carrier. The standards shall be consistent with rules or standards established by the state department of health or other regulatory authority established in Title 18 RCW for health care providers specified in RCW 18.130.040. Selection criteria shall not be established in a manner:

(a) That would allow a health carrier to avoid high-risk populations by excluding providers or facilities because they are located in geographic areas that contain populations or providers presenting a risk of higher than average claims, losses, or health services utilization; or

(b) That would exclude providers or facilities because they treat or specialize in treating populations presenting a risk of higher than average claims, losses, or health services utilization.

(2) The provisions of subsection (1)(a) and (b) of this section shall not be construed to prohibit a carrier from declining to select a provider or facility who fails to meet other legitimate selection criteria of the carrier. The purpose of these provisions is to prevent network creation and provider or facility selection to serve as a substitute for prohibited health risk avoidance.

(3) The provisions of this subchapter do not require a health carrier to employ, to contract with, or retain more providers or facilities than are necessary to comply with the network adequacy standards of this chapter.

(4) A health carrier shall make its selection standards for participating providers and facilities available for review upon request by the commissioner.

NEW SECTION

WAC 284-43-320 Provider contracts—Standards—Hold harmless provisions. The execution of a contract by a health carrier shall not relieve the health carrier of its obligations to any covered person for the provision of health care services, nor of its responsibility for compliance with statutes or regulations. In addition to the contract form filing requirements of this subchapter, all individual provider

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and facility contracts shall be in writing and available for review upon request by the commissioner.

(1) A health carrier shall establish a mechanism by which its participating providers and facilities can obtain timely information on patient eligibility for health care services and health plan benefits, including any limitations or conditions on services or benefits.

(2) Each participating provider and participating facility contract shall contain the following provisions or variations approved by the commissioner:

(a) "{Name of provider or facility} hereby agrees that in no event, including, but not limited to nonpayment by {name of carrier}, {name of carrier's} insolvency, or breach of this contract shall {name of provider or facility} bill, charge, collect a deposit from, seek compensation, remuneration, or reimbursement from, or have any recourse against a covered person or person acting on their behalf, other than {name of carrier}, for services provided pursuant to this contract. This provision shall not prohibit collection of {deductibles, copayments, coinsurance, and/or noncovered services}, which have not otherwise been paid by a primary or secondary carrier in accordance with regulatory standards for coordination of benefits, from covered persons in accordance with the terms of the covered person's health plan."

(b) "{Name of provider or facility} agrees, in the event of {name of carrier's} insolvency, to continue to provide the services promised in this contract to covered persons of {name of carrier} for the duration of the period for which premiums on behalf of the covered person were paid to {Name of carrier} or until the covered person's discharge from inpatient facilities, whichever time is greater."

(c) "Notwithstanding any other provision of this contract, nothing in this contract shall be construed to modify the rights and benefits contained in the covered person's health plan."

(d) "{Name of provider or facility} may not bill the covered person for covered services (except for deductibles, copayments, or coinsurance) where {name of carrier} denies payments because the provider or facility has failed to comply with the terms or conditions of this contract."

(e) "{Name of provider or facility} further agrees (i) that the provisions of (a), (b), (c), and (d) of this subsection {or identifying citations appropriate to the contract form} shall survive termination of this contract regardless of the cause giving rise to termination and shall be construed to be for the benefit of {name of carrier's} covered persons, and (ii) that this provision supersedes any oral or written contrary agreement now existing or hereafter entered into between {name of provider or facility} and covered persons or persons acting on their behalf."

(f) "If {name of provider or facility} contracts with other providers or facilities who agree to provide covered services to covered persons of {name of carrier} with the expectation of receiving payment directly or indirectly from {name of carrier}, such providers or facilities must agree to abide by the provisions of (a), (b), (c), (d), and (e) of this subsection {or identifying citations appropriate to the contract form}."

(3) The contract shall inform participating providers and facilities that willfully collecting or attempting to collect an amount from a covered person knowing that collection to be

in violation of the participating provider or facility contract constitutes a class C felony under RCW 48.80.030(5).

(4) A health carrier shall notify participating providers and facilities of their responsibilities with respect to the health carrier's applicable administrative policies and programs, including but not limited to payment terms, utilization review, quality assessment and improvement programs, credentialing, grievance procedures, data reporting requirements, confidentiality requirements and any applicable federal or state requirements.

(5) The following provision is a restatement of a statutory requirement found in RCW 48.43.075:

(a) "No health carrier subject to the jurisdiction of the state of Washington may in any way preclude or discourage their providers from informing patients of the care they require, including various treatment options, and whether in their view such care is consistent with medical necessity, medical appropriateness, or otherwise covered by the patient's service agreement with the health carrier. No health carrier may prohibit, discourage, or penalize a provider otherwise practicing in compliance with the law from advocating on behalf of a patient with a health carrier. Nothing in this section shall be construed to authorize providers to bind health carriers to pay for any service."

(b) "No health carrier may preclude or discourage patients or those paying for their coverage from discussing the comparative merits of different health carriers with their providers. This prohibition specifically includes prohibiting or limiting providers participating in those discussions even if critical of a carrier."

(6) A health carrier shall require participating providers and facilities to make health records available to appropriate state and federal authorities involved in assessing the quality of care or investigating the grievances or complaints of covered persons subject to applicable state and federal laws related to the confidentiality of medical or health records.

(7) A health carrier and participating provider and facility shall provide at least sixty days' written notice to each other before terminating the contract without cause. The health carrier shall make a good faith effort to provide written notice of a termination within fifteen working days of receipt or issuance of a notice of termination to all covered persons who are patients seen on a regular basis by the provider whose contract is terminating, irrespective of whether the termination was for cause or without cause. Where a contract termination involves a primary care provider, that carrier shall make a good faith effort to notify all covered persons who are patients of that primary care provider.

(8) A health carrier is responsible for ensuring that participating providers and facilities furnish covered services to covered persons without regard to the covered person's enrollment in the plan as a private purchaser of the plan or as a participant in publicly financed programs of health care services. This requirement does not apply to circumstances when the provider should not render services due to limitations arising from lack of training, experience, skill, or licensing restrictions.

(9) A health carrier shall not penalize a provider because the provider, in good faith, reports to state or federal authorities any act or practice by the health carrier that jeopardizes patient health or welfare.

(10) The following provision is a restatement of a statutory requirement found in RCW 48.43.085: "Notwithstanding any other provision of law, no health carrier subject to the jurisdiction of the state of Washington may prohibit directly or indirectly its enrollees from freely contracting at any time to obtain any health care services outside the health care plan on any terms or conditions the enrollees choose. Nothing in this section shall be construed to bind a carrier for any services delivered outside the health plan."

(11) Every participating provider contract shall contain procedures for the fair resolution of disputes arising out of the contract.

NEW SECTION

WAC 284-43-330 Participating provider—Filing and approval. (1) Beginning May 1, 1998, a health carrier shall file with the commissioner fifteen days prior to use sample contract forms proposed for use with its participating providers and facilities.

(2) A health carrier shall submit material changes to a contract that would affect a provision required by this chapter to the commissioner fifteen days prior to use. Changes in provider payment rates, coinsurance, copayments, or deductibles are not considered material changes for the purpose of this subsection.

(3)(a) If the commissioner takes no action within fifteen days after submission of a sample contract or a material change to a contract by a health carrier, the change or contract is deemed approved except that the commissioner may extend the approval period an additional fifteen days upon giving notice before the expiration of the initial fifteen-day period. Approval may be subsequently withdrawn for cause.

(b) Subject to the right of the carrier to demand and receive a hearing under chapters 48.04 and 34.05 RCW, the commissioner may disapprove such a contract form if it is in any respect in violation of Title 48 RCW or this title.

(4) The health carrier shall maintain provider and facility contracts at its principal place of business in the state, or the health carrier shall have access to all contracts and provide copies to facilitate regulatory review upon twenty days prior written notice from the commissioner.

NEW SECTION

WAC 284-43-340 Effective date. (1) All participating provider and facility contracts entered into after the effective date of this subchapter shall comply with this subchapter no later than July 1, 1998.

(2) Participating provider and facility contracts entered into prior to the effective date of this subchapter shall be amended upon renewal to comply with the provisions of this subchapter, but in no event later than July 1, 1999. The commissioner may extend the July 1, 1999 deadline, for an additional period not to exceed six months if the health carrier demonstrates good cause for an extension.

SUBCHAPTER D CONSUMER DISCLOSURE AND REPORTING

NEW SECTION

WAC 284-43-400 Prompt responses required. Health carriers shall respond promptly to any inquiry from the insurance commissioner relative to the business of insurance. A lack of response within fifteen business days from receipt of an inquiry will be considered untimely. A response must be in writing, unless otherwise indicated in the inquiry.

NEW SECTION

WAC 284-43-410 Form for reporting covered persons and plan volume. Health carriers shall report to the insurance commissioner the number of covered persons who were entitled to health care services during each month of the year, excluding nonresidents, by county, and by sex for each health plan sold referencing the number of form filed with the commissioner. The report shall conform to the form below.

PROPOSED

Proposed

PLAN CONTRACT NUMBER: _____

FORM A: REPORT OF COVERED PERSONS AND PLAN VOLUME

ORGANIZATION REPORTING: _____

FOR THE CALENDAR YEAR ENDED DECEMBER 31, 19__

	Jan.			Feb.			Mar.			Apr.			May			Jun.		
	Female enrollees	Male enrollees	Total enrollees	Female enrollees	Male enrollees	Total enrollees	Female enrollees	Male enrollees	Total enrollees	Female enrollees	Male enrollees	Total enrollees	Female enrollees	Male enrollees	Total enrollees	Female enrollees	Male enrollees	Total enrollees
Adams																		
Asotin																		
Benton																		
Chelan																		
Clallam																		
Clark																		
Columbia																		
Cowlitz																		
Douglas																		
Ferry																		
Franklin																		
Garfield																		
Grant																		
Grays Harbor																		
Island																		
Jefferson																		
King																		
Kitsap																		
Kittitas																		
Klickitat																		
Lewis																		
Lincoln																		
Mason																		
Okanogan																		
Pacific																		
Pend Orielle																		
Pierce																		
San Juan																		
Skagit																		
Skamania																		
Snohomish																		
Spokane																		
Stevens																		
Thurston																		
Wahkiakum																		
Walla Walla																		
Whatcom																		
Whitman																		
Yakima																		
Total																		

[164]

Date: _____

Signed: _____

Title: _____

PLAN CONTRACT NUMBER: _____

FORM A: REPORT OF COVERED PERSONS AND PLAN VOLUME

FOR THE CALENDAR YEAR ENDED DECEMBER 31, 19__

ORGANIZATION REPORTING: _____

	July			Aug			Sep			Oct			Nov			Dec			Calendar Year Totals			
	Female enrollees	Male enrollees	Total enrollees	Female enrollees	Male enrollees	Total enrollees	Female enrollees	Male enrollees	Total enrollees	Female enrollees	Male enrollees	Total enrollees	Female enrollees	Male enrollees	Total enrollees	Female enrollees	Male enrollees	Total enrollees	Female enrollees	Male enrollees	Total enrollees	
Adams																						
Asotin																						
Benton																						
Chelan																						
Clallam																						
Clark																						
Columbia																						
Cowlitz																						
Douglas																						
Ferry																						
Franklin																						
Garfield																						
Grant																						
Grays Harbor																						
Island																						
Jefferson																						
King																						
Kitsap																						
Kittitas																						
Klickitat																						
Lewis																						
Lincoln																						
Mason																						
Okanogan																						
Pacific																						
Pend Orielle																						
Pierce																						
San Juan																						
Skagit																						
Skamania																						
Snohomish																						
Spokane																						
Stevens																						
Thurston																						
Wahkiakum																						
Walla Walla																						
Whatcom																						
Whitman																						
Yakima																						
Total																						

Date _____

Signed _____

Title: _____

[165]

Proposed

PROPOSED

NEW SECTION

WAC 284-43-420 Grievance register and reporting—Format. (1) Each health carrier shall maintain written records documenting all grievances received during each calendar year (the grievance register). For each grievance, the register shall contain, at a minimum, the following information:

(a) The identity of the covered person who filed the grievance, or for whom a grievance is filed, using a unique identification code assigned consistently to that person;

(b) A general description of the reason for the grievance;

(c) The date the grievance was received by the health carrier;

(d) The date of each review and hearing (if any);

(e) Resolution at each level of the grievance, i.e., whether the grievance was resolved through the first level of review, or whether it was subject to additional review;

(f) The number of days it took the carrier to gather the information necessary to resolve the grievance; and

(g) The resolution of the grievance.

(2) The register shall be maintained in a manner that is reasonably clear and accessible to the commissioner.

(3) Health carriers shall retain the register compiled for each calendar year for either three years or until the commissioner has adopted a final report of an examination that contains a review of the register for that calendar year.

(4) Health carriers shall submit an annual report to the commissioner in a format established by the commissioner and at such other times the commissioner may require. Although a health carrier may adopt a classification system to categorize the grievances, the annual report, showing a summary of all grievances received, shall be submitted as shown in the form below. A health carrier shall include, with the annual report any accompanying reports, showing the classification used, from which the totals included in the summary are obtained. The report shall include, for each type of health plan offered:

(a) The number of covered lives;

(b) The total number of grievances received, broken down into the categories as shown in the form below;

(c) The number of grievances resolved at each level;

(d) The number of grievances appealed to the commissioner of which the health carrier has been informed;

(e) The number of grievances referred to an alternative dispute resolution procedure and the number of grievances that resulted in litigation.

PROPOSED

PLAN CONTRACT NUMBER: _____

FORM B: GRIEVANCE REPORT SUMMARY

FOR THE CALENDAR YEAR ENDED DECEMBER 31, 19__

ORGANIZATION REPORTING: _____

Grievance type	Total number of Grievances at end of:											
	Prior Year		First quarter		Second Quarter		Third Quarter		Fourth Quarter		Current Year	
	Number	% of total enrolment	Number	% of total enrolment	Number	% of total enrolment	Number	% of total enrolment	Number	% of total enrolment	Number	% of total enrolment
Access to Health Services												
In-Network referrals												
Out of Network referrals												
Service disputes												
Coverage disputes												
Member Services disputes												
Other												
Total number of grievances												
Number of Enrollees												

Grievance type	Total number of Grievances resolved at:									
	First level		Second Level		Referred to the Commissioner		Referred for alternative resolution		Resulted in litigation	
	Number	% of total grievances	Number	% of total grievances	Number	% of total grievances	Number	% of total grievances	Number	% of total grievances
Access to Health Services										
In-Network referrals										
Out of Network referrals										
Service disputes										
Coverage disputes										
Member Services disputes										
Other										
Number of Enrollees										

Each plan shall file the accompanying reports from which the totals on this summary report are obtained.

Date: _____

Signed: _____

Title: _____

PROPOSED

[167]

Proposed

**SUBCHAPTER E
CLAIMS SETTLEMENT STANDARDS**

**SUBCHAPTER F
GRIEVANCE PROCEDURES**

NEW SECTION

WAC 284-43-610 Definitions. For purposes of this subchapter:

(1) "Adverse determination" means a determination by a health carrier that an admission to a facility, availability of health care service, continued stay in a facility, or continued provision of a health care service has been reviewed and, based upon the information provided, does not meet the health carrier's requirements for necessity, appropriateness, health care setting, level of care, or effectiveness, and the requested plan coverage, claim payment, or service is therefore denied, reduced, or terminated.

(2) "Ambulatory review" means review of the necessity and appropriateness of health care services performed or provided in an outpatient setting.

(3) "Case management" means a coordinated set of activities conducted for individual patient management of serious, complicated, protracted, or other health conditions.

(4) "Certification" means a determination by a health carrier that an admission to a facility, availability of health care service, continued stay in a facility, or continued provision of a health care service has been reviewed and, based on the information provided, satisfies the health carrier's requirements for necessity, appropriateness, health care setting, level of care, or effectiveness, and the requested plan coverage, claim payment, or service is therefore approved.

(5) "Clinical review criteria" means the written screening procedures, decision abstracts, clinical protocols, and practice guidelines used by the health carrier to determine the necessity and appropriateness of health care services.

(6) "Concurrent review" means review of the necessity and appropriateness of health care services conducted during a patient's hospital stay or course of treatment.

(7) "Discharge planning" means the formal process for determining, prior to discharge from a facility, the coordination and management of the care that a patient receives following discharge from a facility.

(8) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding:

(a) Denial of health care services or payment for health care services; or

(b) Issues other than health care services or payment for health care services including dissatisfaction with health care services, delays in obtaining health care services, conflicts with carrier staff or providers, and dissatisfaction with carrier practices or actions unrelated to health care services.

(9) "Prospective review" means review of the necessity and appropriateness of health care services conducted prior to a covered person's admission to a facility or prior to a course of health care service or treatment.

(10) "Retrospective review" means review of the necessity and appropriateness of health care services that is conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an

evaluation of reimbursement levels, veracity of documentation, accuracy of coding, or administrative confirmation of services for claim payment.

(11) "Second opinion" means an opportunity or requirement to obtain a clinical evaluation by a provider other than the one originally making a recommendation for a proposed health care service to assess the necessity and appropriateness of the initial proposed health care service.

NEW SECTION

WAC 284-43-620 Procedures for health service review decisions. (1) For initial review of the necessity and appropriateness of health care service delivery, a health carrier shall make the determination within two working days of obtaining all necessary information regarding a proposed admission, procedure, or service requiring a review. For purposes of this section, "necessary information" includes the results of any face-to-face clinical evaluation or second opinion that may be required.

(a) In the case of a determination to certify an admission to a facility or a health care service, the carrier shall notify the provider rendering the service within twenty-four hours of making the initial certification, and shall provide written or electronic confirmation to the covered person and the provider within two working days of making the initial certification.

(b) In the case of an adverse determination, the carrier shall notify the provider rendering the service within twenty-four hours of making the adverse determination, and shall provide written or electronic confirmation to the covered person and the provider within one working day of making the adverse determination.

(2) For concurrent review determinations, a health carrier shall make the determination within one working day of obtaining all necessary information.

(a) In the case of a determination to certify an extended stay in a facility or additional health care services, the carrier shall notify the provider rendering the service within one working day of making the certification, and shall provide written or electronic confirmation to the covered person and the provider within one working day. The written notification shall include the number of extended days or next review date, the new total number of days or services approved, and the date of admission or initiation of services.

(b) In the case of an adverse determination, the carrier shall notify the provider rendering the service within twenty-four hours of making the adverse determination, and shall provide written or electronic confirmation to the covered person and the provider within one working day. The service shall be continued without liability to the covered person until the covered person has been notified of the determination.

(3) For retrospective review determinations, a health carrier shall make the determination within thirty working days of receiving all necessary information.

(4) A written notification of an adverse determination shall include the actual reasons for the determination and the instructions for initiating an appeal and for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination. A health carrier shall provide the clinical rationale in writing

for an adverse determination, including the clinical review criteria used to make that determination, to any party who received notice of the adverse determination and who follows the procedures for a request.

NEW SECTION

WAC 284-43-630 Grievance procedures. (1) Health carriers shall use and follow written procedures for receiving and resolving grievances from covered persons that meet the requirements of this chapter. These procedures shall include methods by which covered persons who are unable to file written grievances may notify the plan of a grievance orally or through another alternative mechanism. As used in this subchapter, "covered person" includes a person acting on behalf of the covered person.

(2) A copy of the grievance procedures, including all forms used to process a grievance, shall be filed with the commissioner. Any subsequent material modifications to the documents also shall be filed.

(3) A description of the grievance procedure shall be set forth in or attached to the policy, certificate, membership booklet, outline of coverage, or other evidence of coverage provided to covered persons. The grievance procedure documents shall include a statement of a covered person's right to contact the commissioner's office for assistance at any time. The statement shall include the toll-free telephone number and address of the commissioner.

NEW SECTION

WAC 284-43-640 Standards for first level grievance review. (1)(a) A health carrier shall issue a written decision to the covered person within twenty working days after receiving a grievance. The person or persons reviewing the grievance shall not be the same person or persons who made the initial determination of the matter that is the subject of the grievance. If the health carrier cannot make a decision within twenty working days due to circumstances beyond the carrier's control, the health carrier may take up to an additional ten working days to issue a written decision if the health carrier provides written notice to the covered person of the extension and the reasons for the delay on or before the twentieth working day after receiving a grievance.

(b) If the grievance involves an adverse determination and delay would jeopardize the covered person's life or health, the carrier shall expedite the grievance process and issue a decision no later than seventy-two hours after the request for review.

(c) Grievances involving adverse determinations shall be evaluated by an appropriate provider as would typically manage the health care service being reviewed.

(d) A covered person is entitled to submit written material in support of the grievance. The health carrier shall provide the covered person the name, address, and telephone number of a person designated to coordinate the grievance review on behalf of the health carrier. The health carrier shall make these rights known to the covered person within three working days of receiving a grievance.

(2) The written decision issued pursuant to the first level grievance shall contain:

(a) The names, titles, and qualifying credentials of the person or persons participating in the first level grievance review process (the reviewers);

(b) A statement of the reviewers' understanding of the covered person's grievance;

(c) The reviewers' decision in clear terms and in sufficient detail for the covered person to respond further to the health carrier's position;

(d) A reference to the evidence or documentation used as the basis for the decision including, if applicable, the clinical review criteria used to make a health care service determination;

(e) If applicable, a statement indicating:

(i) A description of the process to obtain a second level grievance review of a decision; and

(ii) The written procedures governing a second level review, including any required time frame for review;

(f) Notice of the covered person's right to contact the commissioner's office. The notice shall contain the toll-free telephone number and address of the commissioner's office.

NEW SECTION

WAC 284-43-650 Second level grievance review. (1) Health carriers shall establish a second level grievance review process to give those covered persons who are dissatisfied with the first level grievance review decision the option to request a second level review, at which the covered person has the right to appear in person before authorized representatives of the health carrier.

(2)(a) Health carriers shall appoint a second level grievance review panel for each grievance. The panel shall be comprised of persons who were not previously involved in the grievance. However, a person who was previously involved with the grievance may appear before the panel to present information or answer questions. The panel shall have the legal authority to bind the health carrier to the panel's decision.

(b) A health carrier shall ensure that a majority of the persons reviewing a grievance involving an adverse determination are providers who have appropriate expertise. A health carrier shall issue a copy of the written decision to a provider who submits a grievance on behalf of a covered person. In cases where there has been a denial of health care service, the reviewing provider shall not be a provider in the covered person's health plan and shall not have a financial interest in the outcome of the review.

(3) Whenever a covered person has requested the opportunity to appear in person before authorized representatives of the health carrier, a health carrier's procedures for conducting a second level panel review shall include the following:

(a) The review panel shall schedule and hold a review meeting within thirty days of receiving a request from a covered person for a second level review. The review meeting shall be held at a time and location reasonably accessible to the covered person. In cases where a face-to-face meeting is not practical for geographic reasons, a health carrier shall offer the covered person the opportunity to communicate with the review panel, at the health carrier's expense, by conference call, video conferencing, or other appropriate technology. The covered person shall be notified

in writing at least fifteen working days in advance of the review date. The health carrier shall not unreasonably deny a request for postponement of the review made by a covered person.

(b) Upon the request of a covered person, a health carrier shall provide to the covered person all relevant information that is not confidential or privileged.

(c) A covered person has the right to:

(i) Attend the second level review;

(ii) Present his or her case to the review panel;

(iii) Submit supporting material both before and at the review meeting;

(iv) Ask questions of any representative of the health carrier; and

(v) Be assisted or represented by a person of his or her choice.

(d) The notice or review shall advise the covered person of the rights specified in (c) of this subsection.

(e) If the health carrier desires to have an attorney present to represent the interests of the health carrier, it shall notify the covered person at least fifteen working days in advance of the review that an attorney will be present and that the covered person may wish to obtain legal representation of his or her own.

(f) The covered person's right to a fair review shall not be made conditional on the covered person's appearance at the review.

(g) The review panel shall issue a written decision to the covered person within five working days of completing the review meeting. The decision shall include:

(i) The names and titles of the members of the review panel;

(ii) A statement of the review panel's understanding of the nature of the grievance and all pertinent facts;

(iii) The rationale for the review panel's decision;

(iv) Reference to evidence or documentation considered by the review panel in making that decision;

(v) In cases involving an adverse determination, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; and

(vi) Notice of the covered person's right to contact the commissioner's office. The notice shall contain the toll-free telephone number and address of the commissioner's office.

SUBCHAPTER G

ISSUANCE, RENEWAL, AND PORTABILITY OF HEALTH PLANS

NEW SECTION

WAC 284-43-700 Purpose. The purpose of this subchapter is to effectuate the health insurance market reforms enacted as part of the Health Care Reform Act (sections 280 through 291, chapter 492, Laws of 1993 as amended) and to identify federal laws that supersede state law pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Health carriers are required to follow federal standards that exceed the protections afforded under state law.

NEW SECTION

WAC 284-43-710 Portability of health insurance benefits. (1) Every health carrier shall waive any preexisting condition exclusion or limitation for persons or groups who had similar health coverage under a different health plan at any time during the three-month period immediately preceding the date of application for the new health plan to the extent that such person was continuously covered under the immediately preceding health plan. If the person was continuously covered for at least three months under the immediately preceding health plan, the carrier may not impose a waiting period for coverage of preexisting conditions unless the plan is dissimilar to the immediately preceding plan as determined in accordance with subsection (4) of this section. If the person was continuously covered for less than three months under the immediately preceding health plan, the carrier may not impose a waiting period for a preexisting condition that exceeds the difference between the number of months the person was continuously covered under the immediately preceding health plan and any preexisting condition waiting period under the new health plan. For purposes of portability of benefits under this section and to meet federal requirements (adapted from the federal definition of "creditable coverage" under section 701 of Public Law 104-191, August 21, 1996), "health plan" includes:

(a) Employer provided health plans including self-funded plans;

(b) Part A or part B of Title XVIII of the Social Security Act;

(c) Title XIX of the Social Security Act, other than coverage consisting solely of benefits under section 1928 of the Act;

(d) Chapter 55 of Title 10, United States Code;

(e) A medical care program of the Indian Health Service or of a tribal organization;

(f) The Washington state health insurance pool created under RCW 48.41.040;

(g) A health plan offered under chapter 89 of Title 5, United States Code;

(h) The state basic health plan; and

(i) A health benefit plan under section 5(e) of the Peace Corps Act (22 U.S.C. Sec. 2504(e)).

(2) When an employer providing group health coverage to his or her employees imposes a probationary period or similar delay in eligibility for health plan coverage of new employees, the health carrier shall count the day of first employment with the new employer as the first day of coverage for purposes of applying the portability of benefit provisions of this section so that the new employees and dependents obtain the protections of this rule at the end of such probationary period.

(3) A carrier may not avoid the portability requirements of this section by taking into consideration, for rating purposes, the health condition or health experience of a person applying for an individual health plan or of a person being added to an existing group plan. For example, a person being added to a group or applying for an individual health plan who is availing himself or herself of the portability provisions of this section may not be rated based upon health conditions or past health experience.

(4) For purposes of this section only, a new health plan is similar to the immediately preceding health plan if the actuarial value of the benefits under the new health plan as a whole is not more than twenty-five percent greater than the benefits provided under the immediately preceding health plan when all cost-sharing and other benefit limitations are taken into consideration.

A health carrier asserting that the new health plan is dissimilar to the immediately preceding health plan of a person applying for coverage must provide such person with a written statement describing the basis for the carrier's determination.

(5) Nothing contained in this section requires a health carrier to amend a health plan to provide new benefits in its existing health plans. For example, if a person was provided maternity benefits under the immediately preceding health plan, the carrier need not amend the new health plan being purchased to provide such benefits if the new health plan being purchased does not include maternity benefits for any covered person. In addition, nothing in this section requires a carrier to waive benefit limitations not related to an individual or group's preexisting conditions or health history. For example, this rule does not apply to a one-year waiting period for use of a particular benefit (e.g., organ transplants) imposed equally upon all covered persons without regard to health condition.

NEW SECTION

WAC 284-43-720 Guaranteed issue and restrictions on the denial, exclusion, or limitation of health benefits for preexisting conditions. (1) All health carriers shall accept for enrollment any state resident within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health conditions, geographic location, employment status, socioeconomic status, other conditions or situation, or HIV status. Thus, health carriers may not reject health plan applicants and may not limit or exclude plan coverage for any reason associated with health risk or perceived health risk except for the imposition of a preexisting condition exclusion as permitted in this chapter.

(2) No carrier may reject an applicant for any health plan it offers based upon preexisting conditions of the applicant or in the case of a group applicant, individuals within the group and no carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that a carrier may impose a three-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a provider recommended or provided treatment within the three months before the effective date of coverage.

(3) Genetic information shall not be treated as a health condition in the absence of a diagnosis of the condition related to such information.

(4) A carrier may not impose any preexisting condition exclusion relating to pregnancy as a preexisting condition.

(5) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed

classification would substantially discourage applications for coverage from individuals or groups who are higher than average health risks. For example, a carrier could not create a new rate classification for "uninsurable risks."

(6) The guaranteed issue provisions of this section do not apply to health plans in which the carrier has zero enrollment.

NEW SECTION

WAC 284-43-730 Guaranteed renewability—Health insurance. (1) All health plans shall contain or incorporate by endorsement, a guarantee of the continuity of coverage of the plan.

(2) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan, without the prior approval of the insurance commissioner:

(a) For nonpayment of premiums or contributions in accordance with the terms of the health plan or the carrier has not received timely premium payments;

(b) When the covered person has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of the plan;

(c) In the case of a group plan, when the group sponsor has failed to comply with a material plan provision relating to employer contribution or group participation rules except as limited under RCW 48.21.045, 48.44.023, or 48.46.064;

(d) When the carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve covered persons would be exceeded; and

(e) When the carrier is ceasing to offer the plan and replaces the plan with another plan offered to all covered persons within that class or line of business that includes all of the health care services covered under the replaced plan and does not significantly limit access to the kind of services covered under the replaced plan. The carrier may also allow unrestricted conversion to a fully comparable product.

(3) The provisions of this section do not apply to health plans deemed by the commissioner to be for a unique, limited, or short-term purpose after a written request for such classification by the carrier and subsequent written approval by the commissioner.

(4) In any case in which a carrier decides to discontinue offering a particular individual or group plan as permitted under subsection (2)(e) of this section, the carrier must provide notice to each covered person of the discontinuation at least ninety days prior to discontinuation.

(5) In any case in which a carrier nonrenews an individual or group plan as permitted under this section, the carrier shall ensure that covered persons receive notice of nonrenewal including the reason for such nonrenewal.

SUBCHAPTER H HEALTH PLAN BENEFITS

NEW SECTION

WAC 284-43-800 Recognizing the exercise of conscience by purchasers of basic health plan services and ensuring access for all enrollees to such services. (1)

All carriers required pursuant to law to offer and file with the commissioner a plan providing benefits identical to the basic health plan services (the model plan) shall file for such plan a full description of the process it will use to recognize an organization or individual's exercise of conscience based on a religious belief or conscientious objection to the purchase of coverage for a specific service. This process may not affect a nonobjecting enrollee's access to coverage for those services.

(2) A religiously sponsored carrier who elects, for reasons of religious belief, not to participate in the provision of certain services otherwise included in the model plan, shall file for such plan a description of the process by which enrollees will have timely access to all services in the model plan.

(3) The commissioner will not disapprove processes that meet the following criteria:

(a) Enrollee access to all basic health plan services is not impaired in any way;

(b) The process meets notification requirements specified in RCW 48.43.065; and

(c) The process relies on sound actuarial principles to distribute risk.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-43-040 Review and approval of certified health plan provider selection, termination, and dispute resolution provisions.

WAC 284-43-100 Health carrier standards for women's right to directly access certain health care practitioners for women's health care services.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 284-10-010 Purpose, intent, and authority.

WAC 284-10-015 Scope and applicability.

WAC 284-10-020 Definitions.

WAC 284-10-030 Portability of health insurance benefits.

WAC 284-10-050 Restrictions on the denial, exclusion, or limitation of health benefits for preexisting conditions.

WAC 284-10-060 Guaranteed renewability—Health insurance. Purpose, intent, and authority.

WAC 284-10-070 Certification of withdrawal from the market and exemption from short-term reform rules.

WAC 284-10-090

WAC 284-10-140

Severability provision. Recognizing the exercise of conscience by purchasers of basic health plan services and ensuring access for all enrollees to such services.

REPEALER

The following section of the Washington Administrative Code is repealed effective May 1, 1998:

WAC 284-44-240 Participating provider contracts.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-44-410 Form for reporting number of persons entitled to services.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-46-020 Form for reporting number of persons entitled to services.

REPEALER

The following section of the Washington Administrative Code is repealed effective May 1, 1998:

WAC 284-46-575 Participating provider contracts.

PROPOSED

WSR 97-21-039
EXPEDITED ADOPTION
DEPARTMENT OF ECOLOGY

[Order 97-38—Filed October 10, 1997, 4:20 p.m.]

Title of Rule: WAC 173-460-060(1) Perchloroethylene dry cleaners.

Purpose: To remove duplicative and outdated requirements.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: This subsection should have been amended when newer requirements to limit emissions of perchloroethylene from existing and new dry cleaning systems were adopted. By removing the language in this subsection, we reduce confusion, because only the newer requirements in WAC 173-400-075(6) apply state-wide.

Name of Agency Personnel Responsible for Drafting: Elena Guilfoil, Olympia, (360) 407-6855; Implementation and Enforcement: Bernard Brady, Olympia, (360) 407-6803.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This subsection should have been removed when newer standards for dry cleaners were adopted earlier this year. By removing this subsection, we reduce confusion for both business and regulators since only one set of requirements apply state-wide. Since most dry cleaners are small businesses, the newer requirements were located in the general air quality rules found in chapter 173-400 WAC.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING 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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY December 20, 1997.

October 10, 1997

Dan Silver

Deputy Director

AMENDATORY SECTION (Amending Order 93-19, filed 1/14/94, effective 2/14/94)

WAC 173-460-060 Control technology requirements.

Except as provided for in WAC 173-460-040, a person shall not establish, operate, or cause to be established or operated any new toxic air pollutant source which is likely to increase TAP emissions without installing and operating T-BACT. Satisfaction of the performance requirements listed below fulfill the T-BACT requirement for those particular sources. Local air pollution authorities may develop and require

performance requirements in lieu of T-BACT provided that ecology approves the performance requirements as equivalent to T-BACT.

~~(1) (Perchloroethylene dry cleaners. The entire dryer exhaust shall be vented through a control device which will reduce VOC emissions to 5 kg or less per 100 kg dry weight of cleaned articles.~~

~~(a) The control device shall meet one of the following conditions:~~

~~(i) The exhaust from a carbon adsorber shall contain less than 100 ppm perchloroethylene as measured over a period of one minute before dilution; or~~

~~(ii) The air temperature at the outlet of a refrigerated condenser shall reach seven degrees centigrade or less during the cool down period. A temperature gauge with a minimum range from negative thirty two to seventy five degrees centigrade shall be installed and maintained on the condenser outlet duct; or~~

~~(iii) The demonstrated control efficiency for any other control device shall be ninety percent or greater by weight, prior to the discharge to the atmosphere measured over a complete control cycle.~~

~~(b) The operation of any perchloroethylene dry cleaner shall meet all of the following conditions:~~

~~(i) All leaking components shall be repaired immediately; and~~

~~(ii) All filtration cartridges shall be drained in the filter housing or other enclosed container before discarding the cartridges.~~

~~(2)) Petroleum solvent dry cleaning systems. A petroleum solvent dry cleaning system shall include the following:~~

~~(a) All cleaned articles are dried in a solvent recovery dryer or the entire dryer exhaust is vented through a properly functioning control device which will reduce emissions to no more than 3.5 kg of VOC per 100 kg dry weight of cleaned articles; and~~

~~(b) All cartridge filtration systems are drained in their sealed housing or other enclosed container before discarding the cartridges; and~~

~~(c) All leaking components shall be repaired immediately.~~

~~((3)) (2) Chromic acid plating and anodizing. The facility-wide uncontrolled hexavalent chromium emissions from plating or anodizing tanks shall be reduced by at least ninety-five percent using either of the following control techniques:~~

~~(a) An antimist additive or other equally effective control method approved by ecology or authority; or~~

~~(b) The tank is equipped with:~~

~~(i) A capture system which represents good engineering practice and which shall be in place and in operation at all times electrical current is applied to the tank; and~~

~~(ii) An emission control system which limits hexavalent chromium emissions to no more than 0.15 milligrams per ampere-hour of electrical charge applied to the tank or uncontrolled emissions shall be reduced by ninety-five percent.~~

~~((4)) (3) Chromic acid plating and anodizing (greater than 1 kilogram). If the facility-wide hexavalent chromium emissions from chromic acid plating and anodizing are greater than 1 kilogram per year after the application of~~

control techniques required by subsection ~~((3))~~ (2) of this section, the facility-wide hexavalent chromium emissions shall be reduced by at least ninety-nine percent using either of the following control techniques:

(a) An antimist additive or other equally effective control method approved by ecology or authority; or

(b) The tank is equipped with:

(i) A capture system which represents good engineering practice and which shall be in place and in operation at all times electrical current is applied to the tank; and

(ii) An emissions control system which limits hexavalent chromium emissions to no more than 0.03 milligrams per ampere-hour of electrical charge applied to the tank or uncontrolled emissions shall be reduced by ninety-nine percent.

~~((5))~~ (4) Solvent metal cleaners.

(a) Any solvent metal cleaner shall include all of the following equipment:

(i) A cover for the solvent tank which shall be closed at all times except when processing work in the degreaser. However, the cover shall be closed to the maximum extent possible when parts are being degreased;

(ii) A facility for draining cleaned parts such that the drained solvent is returned to the solvent tank;

(iii) For cold solvent cleaners, a freeboard ratio greater than or equal to 0.75;

(iv) Vapor degreasers shall have:

(A) A high vapor cutoff thermostat with manual reset; and

(B) For degreasers with spray devices, a vapor-up thermostat which will allow spray operation only after the vapor zone has risen to the design level; and

(C) Either a freeboard ratio greater than or equal to 1.00 or a refrigerated freeboard chiller; and

(v) ConveyORIZED vapor degreasers shall have:

(A) A drying tunnel or a rotating basket sufficient to prevent cleaned parts from carrying liquid solvent out of the degreaser; and

(B) A high vapor cutoff thermostat with manual reset; and

(C) A vapor-up thermostat which will allow conveyor movement only after the vapor zone has risen to the design vapor level.

(b) The operation of any solvent metal cleaner shall meet the following requirements:

(i) Solvent shall not leak from any portion of the degreasing equipment;

(ii) Solvent, including waste solvent, shall be stored in closed containers and shall be disposed of in such a manner as to prevent its evaporation into the atmosphere;

(iii) For cold cleaners, cleaned parts shall be drained until dripping ceases; and

(iv) Degreasers shall be constructed to allow liquid solvent from cleaned parts to drain into a trough or equivalent device and return to the solvent tank.

(c) For open-top vapor degreasers, solvent drag-out shall be minimized by the following measures:

(i) Racked parts shall be allowed to drain fully;

(ii) The work load shall be degreased in the vapor zone until condensation ceases;

(iii) Spraying operations shall be done within the vapor layer;

(iv) When using a powered hoist, the vertical speed of parts in and out of the vapor zone shall be less than three meters per minute (ten feet per minute);

(v) When the cover is open, the lip of the degreaser shall not be exposed to steady drafts greater than 15.3 meters per minute (fifty feet per minute); and

(vi) When equipped with a lip exhaust, the fan shall be turned off when the cover is closed.

(d) For conveyORIZED vapor degreasers, solvent drag-out shall be minimized by the following measures:

(i) Racked parts shall be allowed to drain fully; and

(ii) Vertical conveyor speed shall be maintained at less than three meters per minute (ten feet per minute).

~~((6))~~ (5) Abrasive blasting.

(a) Abrasive blasting shall be performed inside a booth or hangar designed to capture the blast grit or overspray.

(b) Outdoor blasting of structures or items too large to be reasonably handled indoors shall employ control measures such as curtailment during windy periods and enclosure of the area being blasted with tarps.

(c) Outdoor blasting shall be performed with either steel shot or an abrasive containing less than one percent (by mass) which would pass through a No. 200 sieve.

(d) All abrasive blasting with sand shall be performed inside a blasting booth or cabinet.

WSR 97-21-040
EXPEDITED ADOPTION
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed October 10, 1997, 4:32 p.m.]

Title of Rule: Inorganic arsenic and code oven emissions; chapter 296-62 WAC, General occupational health standards.

Purpose: Chapter 296-62 WAC, General occupational health standards, state-initiated proposed amendments to WAC 296-62-07347 and 296-62-07354 for inorganic arsenic and to WAC 296-62-20017, 296-62-20027, and 296-62-20029 for coke oven emissions would eliminate sputum cytology examinations and require annual rather than semiannual chest x-rays. On July 22, 1996, OSHA announced its intention to make these changes based on their review of the medical data (Federal Register Volume 61, pages 37849-37865). In response, the department issued WISHA Interim Interpretive Memorandum #97-2-C on February 28, 1997, which instructed staff not to enforce the requirements in question. The proposed rule change will eliminate obsolete sputum cytology requirements, reduce unnecessary health risks associated with semiannual chest x-rays, and eliminate the need for separate policy guidance by accurately reflecting the current department enforcement practices in chapter 296-62 WAC. The amendments will not establish additional compliance requirements.

AMENDED SECTIONS

WAC 296-62-07347 Inorganic arsenic, state-initiated proposed amendments to medical surveillance and recordkeeping are made to:

- Eliminate sputum cytology examination requirements.

- Change the chest x-ray requirements from semiannually to annually for certain employees.
- Eliminate recordkeeping requirement for cytological examination slides.

WAC 296-62-07354 Appendices—Inorganic arsenic, state-initiated proposed amendments are made to:

- Eliminate sputum cytology examination requirements.
- Change the chest x-ray requirements from semiannually to annually for certain employees.
- Eliminate procedures for collecting sputum and other diagnostic medical information related to sputum cytology.

WAC 296-62-20017 Medical surveillance in Part O coke oven emissions, state-initiated proposed amendments are made to:

- Eliminate sputum cytology examination requirements.
- Change the chest x-ray requirements from semiannually to annually for certain employees.

WAC 296-62-20027 Appendix A—Coke oven emissions substances information sheet, state-initiated proposed amendments are made to:

- Eliminate sputum cytology examination requirements.
- Change the chest x-ray requirements from semiannually to annually for certain employees.

WAC 296-62-20029 Appendix B—Industrial hygiene and medical surveillance guidelines in Part O coke oven emissions, state-initiated proposed amendments are made to:

- Eliminate sputum cytology examination requirements.
- Change the chest x-ray requirements from semiannually to annually for certain employees.
- Eliminate procedures for collecting sputum and other diagnostic medical information related to sputum cytology.

Reasons for Using Expedited Adoption

State-initiated changes are based on the requirements in the Governor's Executive Order 97-02, Regulatory Improvement. The department is using the expedited rule adoption process. The following criterion for expedited adoption of a rule in Title 34 RCW, Administrative law is met:

"(c) The proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect."

The proposed amendments clarify the language of the rule without changing its effect by incorporating current OSHA and department policy into the rule.

Statutory Authority for Adoption: RCW 49.17.040 and 49.17.050.

Statute Being Implemented: RCW 49.17.040 and 49.17.050.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, Washington, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, Washington, (360) 902-5495.

Name of Proponent: Washington State Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING 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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Marie Myerchin-Redifer, Washington State Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY December 22, 1997.

October 10, 1997

Gary L. Moore

Director

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-62-07347 Inorganic arsenic. (1) Scope and application. This section applies to all occupational exposures to inorganic arsenic except that this section does not apply to employee exposures in agriculture or resulting from pesticide application, the treatment of wood with preservatives or the utilization of arsenically preserved wood.

(2) Definitions.

(a) "Action level" - a concentration of inorganic arsenic of 5 micrograms per cubic meter of air ($5 \mu\text{g}/\text{m}^3$) averaged over any eight-hour period.

(b) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section.

(c) "Director" - the director of the department of labor and industries, or his/her designated representative.

(d) "Inorganic arsenic" - copper aceto-arsenite and all inorganic compounds containing arsenic except arsine, measured as arsenic (As).

(3) Permissible exposure limit. The employer shall assure that no employee is exposed to inorganic arsenic at concentrations greater than 10 micrograms per cubic meter of air ($10 \mu\text{g}/\text{m}^3$), averaged over any eight-hour period.

(4) Notification of use.

(a) By October 1, 1978, or within sixty days after the introduction of inorganic arsenic into the workplace, every employer who is required to establish a regulated area in his/her workplaces shall report in writing to the department of labor and industries for each such workplace:

(i) The address of each such workplace;

(ii) The approximate number of employees who will be working in regulated areas; and

(iii) A brief summary of the operations creating the exposure and the actions which the employer intends to take to reduce exposures.

(b) Whenever there has been a significant change in the information required by subsection (4)(a) of this section, the employer shall report the changes in writing within sixty days to the department of labor and industries.

(5) Exposure monitoring.

(a) General.

(i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to inorganic arsenic over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(iii) The employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(b) Initial monitoring. Each employer who has a workplace or work operation covered by this standard shall monitor each such workplace and work operation to accurately determine the airborne concentration of inorganic arsenic to which employees may be exposed.

(c) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subsection (5)(d) of this section.

(ii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the permissible exposure limit, the employer shall repeat monitoring at least quarterly.

(iii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the action level and below the permissible exposure limit the employer shall repeat monitoring at least every six months.

(iv) The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee until such time as any of the events in subsection (5)(d) of this section occur.

(d) Additional monitoring. Whenever there has been a production, process, control or personal change which may result in new or additional exposure to inorganic arsenic, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to inorganic arsenic, additional monitoring which complies with subsection (5) of this section shall be conducted.

(e) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposures.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a

description of the corrective action taken to reduce exposure to or below the permissible exposure limit.

(f) Accuracy of measurement.

(i) The employer shall use a method of monitoring and measurement which has an accuracy (with a confidence level of 95 percent) of not less than plus or minus 25 percent for concentrations of inorganic arsenic greater than or equal to $10 \mu\text{g}/\text{m}^3$.

(ii) The employer shall use a method of monitoring and measurement which has an accuracy (with confidence level of 95 percent) of not less than plus or minus 35 percent for concentrations of inorganic arsenic greater than $5 \mu\text{g}/\text{m}^3$ but less than $10 \mu\text{g}/\text{m}^3$.

(6) Regulated area.

(a) Establishment. The employer shall establish regulated areas where worker exposures to inorganic arsenic, without regard to the use of respirators, are in excess of the permissible limit.

(b) Demarcation. Regulated areas shall be demarcated and segregated from the rest of the workplace in any manner that minimizes the number of persons who will be exposed to inorganic arsenic.

(c) Access. Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the Act or regulations issued pursuant thereto to enter such areas.

(d) Provision of respirators. All persons entering a regulated area shall be supplied with a respirator, selected in accordance with subsection (8)(b) of this section.

(e) Prohibited activities. The employer shall assure that in regulated areas, food or beverages are not consumed, smoking products, chewing tobacco and gum are not used, and cosmetics are not applied, except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsection (12) of this section. Drinking water may be consumed in the regulated area.

(7) Methods of compliance.

(a) Controls.

(i) The employer shall institute at the earliest possible time but not later than December 31, 1979, engineering and work practice controls to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(ii) Where engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls and shall be supplemented by the use of respirators in accordance with subsection (8) of this section and other necessary personal protective equipment. Employee rotation is not required as a control strategy before respiratory protection is instituted.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limit by means of engineering and work practice controls.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which inorganic arsenic is emitted; e.g., machinery used, material processed,

controls in place, crew size, operating procedures and maintenance practices;

(B) Engineering plans and studies used to determine methods selected for controlling exposure to inorganic arsenic;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data;

(E) A detailed schedule for implementation of the engineering controls and work practices that cannot be implemented immediately and for the adaption and implementation of any additional engineering and work practices necessary to meet the permissible exposure limit;

(F) Whenever the employer will not achieve the permissible exposure limit with engineering controls and work practices by December 31, 1979, the employer shall include in the compliance plan an analysis of the effectiveness of the various controls, shall install engineering controls and institute work practices on the quickest schedule feasible, and shall include in the compliance plan and implement a program to minimize the discomfort and maximize the effectiveness of respirator use; and

(G) Other relevant information.

(iii) Written plans for such a program shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection.

(a) General. The employer shall assure that respirators are used where required under this section to reduce employee exposures to below the permissible exposure limit and in emergencies. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering or work practice controls;

(ii) In work operations such as maintenance and repair activities in which the employer establishes that engineering and work practice controls are not feasible;

(iii) In work situations in which engineering controls and supplemental work practice controls are not yet sufficient to reduce exposures to or below the permissible exposure limit; or

(iv) In emergencies.

(b) Respirator selection.

(i) Where respirators are required under this section the employer shall select, provide at no cost to the employee and assure the use of the appropriate respirator or combination of respirators from Table I for inorganic arsenic compounds without significant vapor pressure, or Table II for inorganic arsenic compounds which have significant vapor pressure.

(ii) Where employee exposures exceed the permissible exposure limit for inorganic arsenic and also exceed the relevant limit for particular gasses such as sulfur dioxide, any air purifying respirator supplied to the employee as permitted by this standard must have a combination high efficiency filter with an appropriate gas sorbent. (See footnote in Table I)

TABLE I

RESPIRATORY PROTECTION FOR INORGANIC ARSENIC PARTICULATE EXCEPT FOR THOSE WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3) firefighting.	(A) Any full facepiece self-contained or breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3)	(A) Supplied air respirator with full facepiece, hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 mg/m^3)	(A) Powered air-purifying respirators in all inlet face coverings with high-efficiency filters. ¹ (B) Half-mask supplied air respirators operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Full facepiece air-purifying respirator equipped with high-efficiency filter. ¹ (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	(A) Half-mask air-purifying respirator equipped with high-efficiency filter. ¹ (B) Any half-mask supplied air respirator.

¹ High-efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

EXPEDITED ADOPTION

TABLE II

RESPIRATORY PROTECTION FOR INORGANIC ARSENICALS (SUCH AS ARSENIC TRICHLORIDE² AND ARSENIC PHOSPHIDE) WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 µg/m ³ (20 mg/m ³) or firefighting.	(A) Any full facepiece contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 µg/m ³ (20 mg/m ³)	(A) Supplied air respirator with full facepiece hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 µg/m ³ (10 mg/m ³)	(A) Half-mask ² supplied air respirator operated in positive pressure mode.
(iv) Not greater than 500 µg/m ³	(A) Front or back mounted gas mask equipped with high-efficiency filter ¹ and acid gas canister.
	(B) Any full facepiece supplied air respirator.
	(C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 µg/m ³	(A) Half-mask ² air-purifying respirator equipped with high-efficiency filter ¹ and acid gas cartridge.
	(B) Any half-mask supplied air respirator.

¹ High efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

² Half-mask respirators shall not be used for protection against arsenic trichloride, as it is rapidly absorbed through the skin.

(iii) The employer shall select respirators from among those approved for protection against dust, fume, and mist by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage.

(i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall perform qualitative fit tests at the time of initial fitting and at least semi-annually thereafter for each employee wearing respirators, where quantitative fit tests are not required.

(iii) Employers with more than twenty employees wearing respirators shall perform a quantitative face fit test

at the time of initial fitting and at least semi-annually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table I or II.

(iv) If an employee has demonstrated difficulty in breathing during the fitting test or during use, he or she shall be examined by a physician trained in pulmonary medicine to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program.

(i) The employer shall institute a respiratory protection program in accordance with WAC 296-62-071.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece to prevent skin irritation associated with respirator use.

(e) Commencement of respirator use.

(i) The employer's obligation to provide respirators commences on August 1, 1978, for employees exposed over 500 µg/m³ of inorganic arsenic, as soon as possible but not later than October 1, 1978, for employees exposed to over 50 µg/m³ of inorganic arsenic, and as soon as possible but not later than December 1, 1978, for employees exposed between 10 and 50 µg/m³ of inorganic arsenic.

(ii) Employees with exposures below 50 µg/m³ of inorganic arsenic may choose not to wear respirators until December 31, 1979.

(iii) After December 1, 1978, any employee required to wear air purifying respirators may choose, and if so chosen the employer must provide, if it will give proper protection, a powered air purifying respirator and in addition if necessary a combination dust and acid gas respirator for times where exposures to gases are over the relevant exposure limits.

(9) Reserved.

(10) Protective work clothing and equipment.

(a) Provision and use. Where the possibility of skin or eye irritation from inorganic arsenic exists, and for all workers working in regulated areas, the employer shall provide at no cost to the employee and assure that employees use appropriate and clean protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, and shoes or coverlets;

(iii) Face shields or vented goggles when necessary to prevent eye irritation, which comply with the requirements of WAC 296-24-07801 (1) - (6).

(iv) Impervious clothing for employees subject to exposure to arsenic trichloride.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subsection (10)(a) of this section in a freshly laundered and dry condition at least weekly, and daily if the employee works in areas where exposures are over 100 µg/m³ of inorganic arsenic or in areas where more frequent washing is needed to prevent skin irritation.

EXPEDITED ADOPTION

(ii) The employer shall clean, launder, or dispose of protective clothing required by subsection (10)(a) of this section.

(iii) The employer shall repair or replace the protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms prescribed in subsection (13)(a) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of inorganic arsenic outside the container.

(vi) The employer shall inform in writing any person who cleans or launders clothing required by this section, of the potentially harmful affects including the carcinogenic effects of exposure to inorganic arsenic.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment in the workplace or which are to be removed from the workplace are labeled as follows:

Caution: Clothing contaminated with inorganic arsenic; do not remove dust by blowing or shaking. Dispose of inorganic arsenic contaminated wash water in accordance with applicable local, state, or federal regulations.

(viii) The employer shall prohibit the removal of inorganic arsenic from protective clothing or equipment by blowing or shaking.

(11) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of inorganic arsenic.

(b) Cleaning floors. Floors and other accessible surfaces contaminated with inorganic arsenic may not be cleaned by the use of compressed air, and shoveling and brushing may be used only where vacuuming or other relevant methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner to minimize the reentry of inorganic arsenic into the workplace.

(d) Housekeeping plan. A written housekeeping and maintenance plan shall be kept which shall list appropriate frequencies for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be available for inspection by the director.

(e) Maintenance of equipment. Periodic cleaning of dust collection and ventilation equipment and checks of their effectiveness shall be carried out to maintain the effectiveness of the system and a notation kept of the last check of effectiveness and cleaning or maintenance.

(12) Reserved.

(13) Hygiene facilities and practices.

(a) Change rooms. The employer shall provide for employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic, clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment in accordance with WAC 296-24-12011.

(b) Showers.

(i) The employer shall assure that employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009(3).

(c) Lunchrooms.

(i) The employer shall provide for employees working in regulated areas, lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(ii) The employer shall assure that employees working in the regulated area or subject to the possibility of skin or eye irritation from exposure to inorganic arsenic wash their hands and face prior to eating.

(d) Lavatories. The employer shall provide lavatory facilities which comply with WAC 296-24-12009 (1) and (2).

(e) Vacuuming clothes. The employer shall provide facilities for employees working in areas where exposure, without regard to the use of respirators, exceeds 100 µg/m³ to vacuum their protective clothing and clean or change shoes worn in such areas before entering change rooms, lunchrooms or shower rooms required by subsection (10) of this section and shall assure that such employees use such facilities.

(f) Avoidance of skin irritation. The employer shall assure that no employee is exposed to skin or eye contact with arsenic trichloride, or to skin or eye contact with liquid or particulate inorganic arsenic which is likely to cause skin or eye irritation.

(14) Medical surveillance.

(a) General.

(i) Employees covered. The employer shall institute a medical surveillance program for the following employees:

(A) All employees who are or will be exposed above the action level, without regard to the use of respirators, at least thirty days per year; and

(B) All employees who have been exposed above the action level, without regard to respirator use, for thirty days or more per year for a total of ten years or more of combined employment with the employer or predecessor employers prior to or after the effective date of this standard. The determination of exposures prior to the effective date of this standard shall be based upon prior exposure records, comparison with the first measurements taken after the effective date of this standard, or comparison with records of exposures in areas with similar processes, extent of engineering controls utilized and materials used by that employer.

(ii) Examination by physician. The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee, without loss of pay and at a reasonable time and place.

(b) Initial examinations. By December 1, 1978, for employees initially covered by the medical provisions of this section, or thereafter at the time of initial assignment to an area where the employee is likely to be exposed over the action level at least thirty days per year, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and a medical history which shall include a smoking history and the presence and degree of respiratory symptoms such as breathlessness, cough, sputum production and wheezing.

(ii) A medical examination which shall include at least the following:

(A) A 14" by 17" posterior-anterior chest x-ray and International Labor Office UICC/Cincinnati (ILO U/C) rating;

(B) A nasal and skin examination; and

(C) ~~((A sputum cytology examination; and~~

~~((D)))~~ Other examinations which the physician believes appropriate because of the employees exposure to inorganic arsenic or because of required respirator use.

(c) Periodic examinations.

(i) The employer shall provide the examinations specified in subsections (14)(b)(i) and (14)(b)(ii)(A), (B) and ~~((D)))~~ (C) of this section at least annually for covered employees who are under forty-five years of age with fewer than ten years of exposure over the action level without regard to respirator use.

(ii) The employer shall provide the examinations specified in subsections (14)(b)(i) and (ii)(B) and (C) of this section at least semi-annually for other covered employees.

(iii) Whenever a covered employee has not taken the examinations specified in subsection (14)(b)(i) and (ii)(B) and (C) of this section within six months preceding the termination of employment, the employer shall provide such examinations to the employee upon termination of employment.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to inorganic arsenic the employer shall provide an appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(f) Physician's written opinion.

(i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical examination and tests performed;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to inorganic arsenic;

(C) Any recommended limitations upon the employee's exposure to inorganic arsenic or upon the use of protective clothing or equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination

and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training.

(a) Training program.

(i) The employer shall institute a training program for all employees who are subject to exposure to inorganic arsenic above the action level without regard to respirator use, or for whom there is the possibility of skin or eye irritation from inorganic arsenic. The employer shall assure that those employees participate in the training program.

(ii) The training program shall be provided by October 1, 1978 for employees covered by this provision, at the time of initial assignment for those subsequently covered by this provision, and shall be repeated at least quarterly for employees who have optional use of respirators and at least annually for other covered employees thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendix A;

(B) The quantity, location, manner of use, storage, sources of exposure, and the specific nature of operations which could result in exposure to inorganic arsenic as well as any necessary protective steps;

(C) The purpose, proper use, and limitation of respirators;

(D) The purpose and a description of medical surveillance program as required by subsection (14) of this section;

(E) The engineering controls and work practices associated with the employee's job assignment; and

(F) A review of this standard.

(b) Access to training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General.

(i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the meaning of the required sign or label.

(b) Signs.

(i) The employer shall post signs demarcating regulated areas bearing the legend:

DANGER
 INORGANIC ARSENIC
 CANCER HAZARD
 AUTHORIZED PERSONNEL ONLY
 NO SMOKING OR EATING
 RESPIRATOR REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. The employer shall apply precautionary labels to all shipping and storage containers of inorganic arsenic, and to all products containing inorganic arsenic except when the inorganic arsenic in the product is bound in such a manner so as to make unlikely the possibility of airborne exposure to inorganic arsenic. (Possible examples of products not requiring labels are semiconductors, light emitting diodes and glass.) The label shall bear the following legend:

DANGER
 CONTAINS INORGANIC ARSENIC
 CANCER HAZARD
 HARMFUL IF INHALED OR
 SWALLOWED
 USE ONLY WITH ADEQUATE
 VENTILATION
 OR RESPIRATORY PROTECTION

(17) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The date(s), number, duration location, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, Social Security number, and job classification of the employees monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of the employee's exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) The name, Social Security number, and description of duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to inorganic arsenic.

(iii) The employer shall in addition keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (14) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information;

(C) The initial x-ray;

(D) The x-rays for the most recent five years;

(E) Any x-rays with a demonstrated abnormality and all subsequent x-rays; and

(F) ~~(The initial cytologic examination slide and written description;~~

~~(G) The cytologic examination slide and written description for the most recent five years; and~~

~~(H)) Any cytologic examination slides with demonstrated atypia, if such atypia persists for three years, and all subsequent slides and written descriptions.~~

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment, plus twenty years, whichever is longer.

(c) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (17) of this section to the director for examination and copying.

(ii) Records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) The employer shall make available upon request an employee's medical records and exposure records representative of that employee's exposure required to be maintained by subsection (17) of this section to the affected employee or former employee or to a physician designated by the affected employee or former employee.

(d) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if he requests them within that period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

EXPEDITED ADOPTION

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to inorganic arsenic conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to inorganic arsenic requires entry into an area where the use of respirators, protective clothing, or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing, and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to;

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of inorganic arsenic performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(19) Effective date. This standard shall become effective thirty days after filing with the code reviser.

(20) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(21) Startup dates.

(a) General. The startup dates of requirements of this standard shall be the effective date of this standard unless another startup date is provided for, either in other subsections of this section or in this subsection.

(b) Monitoring. Initial monitoring shall be commenced by August 1, 1978, and shall be completed by September 15, 1978.

(c) Regulated areas. Regulated areas required to be established as a result of initial monitoring shall be set up as soon as possible after the results of that monitoring is known and no later than October 1, 1978.

(d) Compliance program. The written program required by subsection (7)(b) as a result of initial monitoring shall be made available for inspection and copying as soon as possible and no later than December 1, 1978.

(e) Hygiene and lunchroom facilities. Construction plans for change-rooms, showers, lavatories, and lunchroom facilities shall be completed no later than December 1, 1978, and these facilities shall be constructed and in use no later than July 1, 1979. However, if as part of the compliance plan it is predicted by an independent engineering firm that engineering controls and work practices will reduce exposures below the permissible exposure limit by December 31, 1979, for affected employees, then such facilities need not be completed until one year after the engineering controls are completed or December 31, 1980, whichever is earlier, if such controls have not in fact succeeded in reducing exposure to below the permissible exposure limit.

(f) Summary of startup dates set forth elsewhere in this standard.

STARTUP DATES

August 1, 1978 - Respirator use over 500 $\mu\text{g}/\text{m}^3$.

AS SOON AS POSSIBLE BUT NO LATER THAN

September 15, 1978 - Completion of initial monitoring.

October 1, 1978 - Complete establishment of regulated areas

Respirator use for employees exposed above 50 $\mu\text{g}/\text{m}^3$.

Completion of initial training. Notification of use.

December 1, 1978 - Respirator use over 10 $\mu\text{g}/\text{m}^3$. Completion of initial medical. Completion of compliance plan.

Optional use of powered air-purifying respirators.

July 1, 1979 - Completion of lunch rooms and hygiene facilities.

December 31, 1979 - Completion of engineering controls.

All other requirements of the standard have as their startup date August 1, 1978.

AMENDATORY SECTION (Amending Order 90-14, filed 10/1/90, effective 11/15/90)

WAC 296-62-07354 Appendices—Inorganic arsenic.

The information in Appendices A, B, and C is not intended, by itself, to create any additional obligations not otherwise imposed by WAC 296-62-07347 nor detract from existing obligation.

(1) Appendix A—Inorganic arsenic substance information sheet.

(a) Substance identification.

(i) Substance. Inorganic arsenic.

(ii) Definition. Copper acetoarsenite, arsenic and all inorganic compounds containing arsenic except arsine, measured as arsenic (As).

(iii) Permissible exposure limit. Ten micrograms per cubic meter of air as determined as an average over an 8 hour period. No employee may be exposed to any skin or eye contact with arsenic trichloride or to skin or eye contact likely to cause skin or eye irritation.

(iv) Regulated areas. Only employees authorized by your employer should enter a regulated area.

(b) Health hazard data.

(i) Comments. The health hazard of inorganic arsenic is high.

(ii) Ways in which the chemical affects your body. Exposure to airborne concentrations of inorganic arsenic may cause lung cancer, and can be a skin irritant. Inorganic arsenic may also affect your body if swallowed. One compound in particular, arsenic trichloride, is especially dangerous because it can be absorbed readily through the skin. Because inorganic arsenic is a poison, you should wash your hands thoroughly prior to eating or smoking.

(c) Personal protective equipment and clothing.

(i) Respirators. Respirators will be provided by the employer at no cost to employees for routine use if the employer is in the process of implementing engineering and work practice controls or where engineering and work practice controls are not feasible or insufficient. Respirators must be worn for nonroutine activities or in emergency situations where there is likely to be exposure to levels of inorganic arsenic in excess of the permissible exposure limit. Since how well the respirator fits is very important, the employer is required to conduct fit tests to make sure the respirator seals properly when worn. These tests are simple and rapid and will be explained during training sessions.

(ii) Protective clothing. If work is in a regulated area, the employer is required to provide at no cost to employees, and it must be worn, appropriate, clean, protective clothing and equipment. The purpose of this equipment is to prevent the employee from taking home arsenic-contaminated dust and to protect the body from repeated skin contact with inorganic arsenic likely to cause skin irritation. This clothing shall include such items as coveralls or similar full-body clothing, gloves, shoes or coverlets, and aprons. Protective equipment should include face shields or vented goggles, where eye irritation may occur.

(d) Hygiene facilities and practices.

(i) The employer shall ensure that employees do not eat, drink, smoke, chew gum or tobacco, or apply cosmetics in the regulated area, except that drinking water is permitted. If work is in a regulated area, the employer is required to provide lunchrooms or other areas for these purposes.

(ii) If work is in a regulated area, the employer is required to provide showers, washing facilities, and change rooms. The employer shall ensure that employees wash faces and hands before eating and shower at the end of the work shift. Do not take used protective clothing out of change rooms without the employer's permission. The employer is required to provide for laundering or cleaning of the protective clothing.

(e) Signs and labels. The employer is required to post warning signs and labels for employee protection. Signs must be posted in regulated areas. The signs must warn that a cancer hazard is present, that only authorized employees may enter the area, and that no smoking or eating is allowed, and that respirators must be worn.

(f) Medical examinations. If exposure to arsenic is over the action level ($5 \mu\text{g}/\text{m}^3$) (including all persons working in regulated areas) at least 30 days per year, or employees have been exposed to arsenic for more than 10 years over the action level, the employer is required to provide employees with a medical examination. The examination shall be every 6 months for employees over 45 years old or with more than 10 years exposure over the action level and annually for other covered employees. The medical examination must include a medical history; a chest x-ray (annual requirement only); skin examination; and nasal examination (~~and sputum cytology exam for the early detection of lung cancer. The cytology exams are only included in the initial exam and examinations given after employees are either 45 years or older or have 10 or more years employment over the action level~~). The examining physician will provide a written opinion to the employer containing the results of the medical exams. Employees should also receive a copy of this opinion. The physician must not tell the employer any conditions he detects unrelated to occupational exposure to arsenic but must tell employees those conditions.

(g) Observation of monitoring. The employer is required to monitor employee exposure to arsenic and employees or their representatives are entitled to observe the monitoring procedure. Employees are entitled to receive an explanation of the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, employees must also be provided with and must wear the protective clothing and equipment.

(h) Access to records. Employees or their representatives are entitled to records of employee exposure to inorganic arsenic upon request to the employer. Employee medical examination records can be furnished to employees' physician if employees request the employer to provide them.

(i) Training and notification. Additional information on all of these items plus training as to hazards of exposure to inorganic arsenic and the engineering and work practice controls associated with employees' jobs will also be provided by the employer. If employees are exposed over the permissible exposure limit, the employer must inform employees of that fact and the actions to be taken to reduce employee exposure.

(2) Appendix B—Substance technical guidelines. Arsenic, arsenic trioxide, arsenic trichloride (3 examples)

(a) Physical and chemical properties

(i) Arsenic (metal)

(A) Formula: As

(B) Appearance: Gray metal

(C) Melting point: Sublimes without melting at 613C

(D) Specific gravity: ($\text{H}_2\text{O}=1$):5.73.

(E) Solubility in water: Insoluble

(ii) Arsenic trioxide

(A) Formula: As_2O_3 , (As_4O_6).

(B) Appearance: White powder

(C) Melting point: 315C

(D) Specific gravity: ($\text{H}_2\text{O}=1$):3.74

(E) Solubility in water: 3.7 grams in 100cc of water at 20C

(iii) Arsenic trichloride (liquid)(Trichloride)

(A) Formula: AsCl_3

(B) Appearance: Colorless or pale yellow liquid

(C) Melting point: -8.5C

(D) Boiling point: 130.2C

(E) Specific gravity ($1120=1$):2:16 at 20C

(F) Vapor Pressure: 10mm Hg at 23.5C.

(G) Solubility in water: Decomposes in water.

(b) Fire, explosion, and reactivity data.

(i) Fire: Arsenic trioxide and arsenic trichloride are nonflammable.

(ii) Reactivity:

(A) Conditions contributing to instability: Heat.

(B) Incompatibility: Hydrogen gas can react with inorganic arsenic to form the highly toxic gas arsine.

(c) Monitoring and measurement procedures.

(i) Samples collected should be full shift (at least 7 hours) samples. Sampling should be done using a personal sampling pump at a flow rate of 2 liters per minute. Samples should be collected on 0.8 micrometer pore size membrane filter (37mm diameter). Volatile arsenicals such as arsenic trichloride can be most easily collected in a midget bubbler filled with 15 ml. of 0.1 N NaOH.

(ii) The method of sampling and analysis should have an accuracy of not less than ± 25 percent (with a confidence limit of 95 percent) for 10 micrograms per cubic meter of air ($10 \mu\text{g}/\text{m}^3$) and ± 35 percent (with a confidence limit of 95 percent) for concentrations of inorganic arsenic between 5 and $10 \mu\text{g}/\text{m}^3$.

(3) Appendix C—Medical surveillance guidelines.

(a) General.

(i) Medical examinations are to be provided for all employees exposed to levels of inorganic arsenic above the action level ($5 \mu\text{g}/\text{m}^3$) for at least 30 days per year (which would include among others, all employees, who work in regulated areas). Examinations are also to be provided to all employees who have had 10 years or more exposure above the action level for more than 30 days per year while working for the present or predecessor employer though they may no longer be exposed above the level.

(ii) An initial medical examination is to be provided to all such employees by December 1, 1978. In addition, an initial medical examination is to be provided to all employees who are first assigned to areas in which worker exposure will probably exceed $5 \mu\text{g}/\text{m}^3$ (after the effective date of this standard) at the time of initial assignment. In addition to its immediate diagnostic usefulness the initial examination will provide a baseline for comparing future test results. The initial examination must include as a minimum the following elements:

(A) A work and medical history, including a smoking history, and presence and degree of respiratory symptoms such as breathlessness, cough, sputum production, and wheezing;

(B) A 14-inch by 17-inch posterior-anterior chest x-ray and an International Labor Office UICC/Cincinnati (ILO U/C) rating;

(C) A nasal and skin examination; and

(D) ~~((A sputum cytology examination; and~~

~~(E)))~~ Other examinations which the physician believes appropriate because of the employee's exposure to inorganic arsenic or because of required respirator use.

(iii) Periodic examinations are also to be provided to the employees listed above. The periodic examinations shall be given annually for those covered employees 45 years of age or less with fewer than 10 years employment in areas where employee exposure exceeds the action level ($5 \mu\text{g}/\text{m}^3$). Periodic examinations need ~~((not)) to include ((sputum cytology and only an updated medical history is required))~~ an updated work history and medical history; chest x-ray; nasal and skin examinations; and other examinations which the physician believes appropriate.

(iv) Periodic examinations for other covered employees, shall be provided every 6 months. These examinations shall include ~~((all tests required in the initial examination, except that the))~~ an updated work history and medical history ((need only be updated)); nasal and skin examinations; and other examinations which the physician believes appropriate.

(v) The examination contents are minimum requirements. Additional tests such as lateral and oblique x-rays or pulmonary function tests may be useful. For workers exposed to 3 arsenicals, copper acetoarsenite, potassium arsenite, or sodium arsenite, which are associated with lymphatic cancer, the examination should also include palpation of superficial lymph nodes and complete blood count.

(b) Noncarcinogenic effects.

(i) The WISHA standard is based on minimizing risk of exposed workers dying of lung cancer from exposure to inorganic arsenic. It will also minimize skin cancer from such exposures.

(ii) The following three sections quoted from "Occupational Diseases: A Guide to Their Recognition," Revised

Edition, June 1977, National Institute for Occupational Safety and Health is included to provide information on the nonneoplastic effects of exposure to inorganic arsenic. Such effects should not occur if the WISHA standards are followed.

(A) Local—Trivalent arsenic compounds are corrosive to the skin. Brief contact has no effect but prolonged contact results in a local hyperemia and later vesicular or pustular eruption. The moist mucous membranes are most sensitive to the irritant action. Conjunctiva, moist and macerated areas of skin, the eyelids, the angles of the ears, nose, mouth, and respiratory mucosa are also vulnerable to the irritant effects. The wrists are common sites of dermatitis, as are the genitalia if personal hygiene is poor. Perforations of the nasal septum may occur. Arsenic trioxide and pentoxide are capable of producing skin sensitization and contact dermatitis. Arsenic is also capable of producing keratoses, especially of the palms and soles.

(B) Systemic.

(I) The acute toxic effects of arsenic are generally seen following ingestion of inorganic arsenical compounds. This rarely occurs in an industrial setting. Symptoms develop within 1/2 to 4 hours following ingestion and are usually characterized by constriction of the throat followed by dysphagia, epigastric pain, vomiting, and watery diarrhea. Blood may appear in vomitus and stools. If the amount ingested is sufficiently high, shock may develop due to severe fluid loss, and death may ensue in 24 hours. If the acute effects are survived, exfoliative dermatitis and peripheral neuritis may develop.

(II) Cases of acute arsenical poisoning due to inhalation are exceedingly rare in industry. When it does occur, respiratory tract symptoms - cough, chest pain, dyspnea - giddiness, headache, and extreme general weakness precede gastrointestinal symptoms. The acute toxic symptoms of trivalent arsenical poisoning are due to severe inflammation of the mucous membranes and greatly increased permeability of the blood capillaries.

(III) Chronic arsenical poisoning due to ingestion is rare and generally confined to patients taking prescribed medications. However, it can be a concomitant of inhaled inorganic arsenic from swallowed sputum and improper eating habits. Symptoms are weight loss, nausea and diarrhea alternating with constipation, pigmentation and eruption of the skin, loss of hair, and peripheral neuritis. Chronic hepatitis and cirrhosis have been described. Polyneuritis may be the salient feature, but more frequently there are numbness and parasthenias of "glove and stocking" distribution. The skin lesions are usually melanotic and keratotic and may occasionally take the form of an intradermal cancer of the squamous cell type, but without infiltrative properties. Horizontal white lines (striations) on the fingernails and toenails are commonly seen in chronic arsenical poisoning and are considered to be a diagnostic accompaniment of arsenical polyneuritis.

(IV) Inhalation of inorganic arsenic compounds is the most common cause of chronic poisoning in the industrial situation. This condition is divided into three phases based on signs and symptoms.

(V) First phase: The worker complains of weakness, loss of appetite, some nausea, occasional vomiting, a sense of heaviness in the stomach, and some diarrhea.

(VI) Second phase: The worker complains of conjunctivitis, a catarrhal state of the mucous membranes of the nose, larynx, and respiratory passage. Coryza, hoarseness, and mild tracheobronchitis may occur. Perforation of the nasal septum is common, and is probably the most typical lesion of the upper respiratory tract in occupational exposure to arsenical dust. Skin lesions, eczematoid and allergic in type, are common.

(VII) Third phase: The worker complains of symptoms of peripheral neuritis, initially of hands and feet, which is essentially sensory. In more severe cases, motor paralyzes occur; the first muscles affected are usually the toe extensors and the peronei. In only the most severe cases will paralysis of flexor muscles of the feet or of the extensor muscles of hands occur.

(VIII) Liver damage from chronic arsenical poisoning is still debated, and as yet the question is unanswered. In cases of chronic and acute arsenical poisoning, toxic effects to the myocardium have been reported based on EKG changes. These findings, however, are now largely discounted and the EKG changes are ascribed to electrolyte disturbances concomitant with arsenicalism. Inhalation of arsenic trioxide and other inorganic arsenical dusts does not give rise to radiological evidence or pneumoconiosis. Arsenic does have a depressant effect upon the bone marrow, with disturbances of both erythropoiesis and myelopoiesis.

(4) Bibliography:

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Pinto, S. S., and C. M. McGill. 1953. Arsenic Trioxide Exposure in Industry. *Ind. Med. Surg.* 22:281.

Pinto, S. S., and K. W. Nelson. 1976. Arsenic Toxicology and Industrial Exposure, *Annu. Rev. Pharmacol. Toxicol.* 16:95.

Vallee, B. L., Ulmer, D. D., and W. E. C. Wacker. 1960. Arsenic Toxicology and Biochemistry. *AMA Arch. Indust. Health* 21:132.

~~((5) Sputum cytology.~~

~~(a) Sputum can be collected by aerosol inhalation during the medical exam or by spontaneous early morning cough at home. Sputum is induced by transoral inhalation of an aerosolized solution of 8 percent sodium chloride in water. After inhaling as few as 3 to 5 breaths, the subject usually yields an adequate sputum. All sputum should be collected directly into 60 percent alcohol.~~

~~(b) Scientific evidence suggests that chest x-rays and sputum cytology should be used together as screening tests for lung tests for lung cancer in high risk populations such as workers exposed to inorganic arsenic. The tests are to be performed every 6 months on workers who are 45 years of age or older or have worked in the regulated area for 10 or more years. Since the tests seem to be complementary, it may be advantageous to alternate the test procedures. For~~

~~instance, chest x-rays could be obtained in June and December and sputum cytologies could be obtained in March and September. Facilities for providing necessary diagnostic investigation should be readily available as well as chest physicians, surgeons, radiologists, pathologists, and immunotherapists to provide any necessary treatment services.)~~

AMENDATORY SECTION (Amending Order 77-14, filed 7/25/77)

WAC 296-62-20017 Medical surveillance. (1) General requirements.

(a) Each employer shall institute a medical surveillance program for all employees who are employed in the regulated areas at least 30 days per year.

(b) This program shall provide each employee covered under subsection (1)(a) of this section with an opportunity for medical examinations in accordance with this section.

(c) The employer shall inform any employee who refuses any required medical examination of the possible health consequences of such refusal and shall obtain a signed statement from the employee indicating that the employee understands the risk involved in the refusal to be examined.

(d) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and are provided without cost to the employee.

(2) Initial examinations. At the time of initial assignment to a regulated area or upon the institution of the medical surveillance program, the employer shall provide a medical examination including at least the following elements:

(a) A work history and medical history which shall include smoking history and the presence and degree of respiratory symptoms, such as breathlessness, cough, sputum production, and wheezing;

(b) A 14" x 17" posterior-anterior chest x-ray and International Labour Office UICC/Cincinnati (ILO U/C) rating;

(c) Pulmonary function tests including forced vital capacity (FVC) and forced expiratory volume at one second (FEV 1.0) with recording of type of equipment used;

(d) Weight;

(e) A skin examination;

(f) Urinalysis for sugar, albumin, and hematuria; and

(g) ~~((A sputum cytology examination; and~~

~~(h)))~~ A urinary cytology examination.

(3) Periodic examinations.

(a) The employer shall provide the examinations specified in subsections (2)(a)-(f) of this section at least annually for employees covered under subsection (1)(a) of this section.

(b) The employer shall provide the examinations specified in subsection (2)(a)~~((-h))~~ and (c)-(g) of this section at least semi-annually for employees 45 years of age or older or with five or more years employment in the regulated area.

(c) Whenever an employee who is 45 years of age or older or with five or more years employment in the regulated area transfers or is transferred from employment in a regulated area, the employer shall continue to provide the

examinations specified in subsections (2)(a)(~~(h)~~) and (c)-(g) of this section semi-annually, as long as that employee is employed by the same employer or a successor employer.

(d) Whenever an employee has not taken the examination specified in subsections (3)(a)-(c) of this section within the six months preceding the termination of employment, the employer shall provide such examinations to the employee upon termination of employment.

(4) Information provided to the physician. The employer shall provide the following information to the examining physician:

(a) A copy of this regulation and its Appendixes;

(b) A description of the affected employee's duties as they relate to the employee's exposure;

(c) The employee's exposure level or anticipated exposure level;

(d) A description of any personal protective equipment used or to be used; and

(e) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(5) Physician's written opinion.

(a) The employer shall obtain a written opinion from the examining physician which shall include:

(i) The results of the medical examinations;

(ii) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to coke oven emissions;

(iii) Any recommended limitations upon the employee's exposure to coke oven emissions or upon the use of protective clothing or equipment such as respirators; and

(iv) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further explanation or treatment.

(b) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(c) The employer shall provide a copy of the written opinion to the affected employee.

AMENDATORY SECTION (Amending Order 77-14, filed 7/25/77)

WAC 296-62-20027 Appendix A—Coke oven emissions substance information sheet.

APPENDIX A

COKE OVEN EMISSIONS SUBSTANCE INFORMATION SHEET

I. SUBSTANCE IDENTIFICATION

- (1) Substance: Coke oven emissions
- (2) Definition: The benzene-soluble fraction of total particulate matter present during the destructive distillation or carbonization of coal for the production of coke.
- (3) Permissible exposure limit: 150 micrograms per cubic meter of air determined as an average over an 8-hour period.

- (4) Regulated areas: Only employees authorized by your employer should enter a regulated area. The employer is required to designate the following areas as regulated areas: the coke oven battery, including topside and its machinery, pushside and its machinery, and the screening station; and the wharf, the beehive ovens and machinery.

II. HEALTH HAZARD DATA

Exposure to coke oven emissions is a cause of lung cancer, and possibly kidney cancer, in humans. Although it does not have an excess number of skin cancer cases in humans, repeated skin contact with coke oven emissions should be avoided.

III. PROTECTIVE CLOTHING AND EQUIPMENT

- (1) Respirators: Respirators will be provided by your employer for routine use if your employer is in the process of implementing engineering and work practice controls or where engineering and work practice controls are not feasible or insufficient. You must wear respirators for nonroutine activities or in emergency situations where you are likely to be exposed to levels of coke oven emissions in excess of the permissible exposure limit. Until January 20, 1978, the routine wearing of respirators is voluntary. Until that date, if you choose not to wear a respirator you do not have to do so. You must still have your respirator with you and you must still wear it if you are near visible emissions. Since how well your respirator fits your face is very important, your employer is required to conduct fit tests to make sure the respirator seals properly when you wear it. These tests are simple and rapid and will be explained to you during your training sessions.
- (2) Protective clothing: Your employer is required to provide, and you must wear, appropriate, clean, protective clothing and equipment to protect your body from repeated skin contact with coke oven emissions and from the heat generated during the coking process. This clothing should include such items as jacket and pants and flame resistant gloves. Protective equipment should include face shield or vented goggles, protective helmets and safety shoes, insulated from hot surfaces where appropriate.

IV. HYGIENE FACILITIES AND PRACTICES

You must not eat, drink, smoke, chew gum or tobacco, or apply cosmetics in the regulated area, except that drinking water is permitted. Your employer is required to provide lunchrooms and other areas for these purposes.

Your employer is required to provide showers, washing facilities, and change rooms. If you work in a regulated area, you must wash your face, and hands before eating. You must shower at the end of the work shift. Do not take used protective clothing out of the change rooms without your employer's permission. Your employer is required to provide for laundering or cleaning of your protective clothing.

V. SIGNS AND LABELS

Your employer is required to post warning signs and labels for your protection. Signs must be posted in regulated areas. The signs must warn that a cancer hazard is present, that only authorized employees may enter the area, and that no smoking or eating is allowed. In regulated areas where coke oven emissions are above the permissible exposure limit, the signs should also warn that respirators must be worn.

VI. MEDICAL EXAMINATIONS

If you work in a regulated area at least 30 days per year, your employer is required to provide you with a medical examination every year. The medical examination must include a medical history, a chest x-ray; pulmonary function test; weight comparison; skin examination; a urinalysis and a urine ~~((and sputum))~~ cytology exam for the early detection of urinary or lung cancer. ~~((The cytology exams are only included in the initial exam until you are either 45 years or older or have 5 or more years employment in the regulated areas when the medical exams including these tests are to be given every 6 months-))~~ When you are either 45 years or older or have 5 or more years employment in the regulated areas, medical examinations are required every 6 months and include an updated work history; an updated medical history; pulmonary function test; weight comparison; skin examination; a urinalysis; and a urine cytology exam. The examining physician will provide a written opinion to your employer containing the results of the medical exams. You should also receive a copy of this opinion.

VII. OBSERVATION OF MONITORING

Your employer is required to monitor your exposure to coke oven emissions and you are entitled to observe the monitoring procedure. You are entitled to receive an explanation of the measurement procedure, observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you must also be provided with and must wear the protective clothing and equipment.

VIII. ACCESS TO RECORDS

You or your representative are entitled to records of your exposure to coke oven emissions upon request to your employer. Your medical examination records can be furnished to your physician upon request to your employer.

IX. TRAINING AND EDUCATION

Additional information on all of these items plus training as to hazards of coke oven emissions and the engineering and work practice controls associated with your job will also be provided by your employer.

AMENDATORY SECTION (Amending Order 77-14, filed 7/25/77)**WAC 296-62-20029 Appendix B—Industrial hygiene and medical surveillance guidelines.**

APPENDIX B

INDUSTRIAL HYGIENE AND MEDICAL SURVEILLANCE GUIDELINES

I. INDUSTRIAL HYGIENE GUIDELINES

- (1) Sampling. (Benzene-Soluble Fraction Total Particulate Matter.)

Samples collected should be full shift (8-hour) samples. Sampling should be done using a personal sampling pump with pulsation damper at a flow rate of 2 liters per minute. Samples should be collected on 0.8 micrometer pore size silver membrane filters (37 mm diameter) preceded by Gelman glass fiber type A filters encased in three-piece plastic (polystyrene) field monitor cassettes. The cassette face cap should be on and the plug removed. The rotameter should be checked every hour to ensure that proper flow rates are maintained.

A minimum of three full-shift samples should be collected for each job classification on each battery, at least one during and the night. If disparate results are obtained for particular job classification, sampling should be repeated. It is advisable to sample each shift on more than one day to account for environmental variables (wind, precipitation, etc.) which may affect sampling. Differences in exposures among different work shifts may indicate a need to improve work practices on a particular shift. Sampling results from different shifts for each job classification should not be averaged. Multiple samples from same shift may be used to calculate an average exposure for a particular job classification.

- (2) Analysis.

(a) All extraction glassware is cleaned with dichromic acid cleaning solution, rinsed with tap water, then dionized water, acetone, and allowed to dry completely. The glassware is rinsed with nanograde benzene before use. The Teflon cups are cleaned with benzene then with acetone.

(b) Pre-weigh the 2 ml Perkin-Elmer Teflon cups to one hundredth of a milligram on a Perkin-Elmer autobalance AD 2 Tare weight of the cups is about 50 mg.

(c) Place the silver membrane filter and glass fiber filter into a 15 ml test tube.

(d) Extract with 5 ml of benzene for five minutes in an ultrasonic cleaner.

(e) Filter the extract in 15 ml medium glass fritted funnels.

(f) Rinse test tube and filters with two 1.5 ml aliquots of benzene and filter through the fritted glass funnel.

(g) Collect the extract and two rinses in a 10 ml Kontes graduated evaporative concentrator.

(h) Evaporate down to a 1 ml while rinsing the sides with benzene.

EXPEDITED ADOPTION

- (i) Pipet 0.5 ml into the Teflon cup and evaporate to dryness in a vacuum oven at 40° C for 3 hours.
- (j) Weight the Teflon cup and the weight gain is due to the benzene soluble residue in half the sample.

II. MEDICAL SURVEILLANCE GUIDELINES

(1) General.

The minimum requirements for the medical examination for coke oven workers are given in WAC 296-62-20017.

The initial examination is to be provided to all coke oven workers at the time of the initial assignment to a job in the regulated area. The examination includes a 14" x 17" posterior-anterior chest x-ray and a ILO/UC rating to assure some standardization of x-ray reading, pulmonary function tests (FVC and FEV 1.0), weight, urinalysis, skin examination and a sputum and urinary cytologic examination. These tests are to serve as the baseline for comparing the employee's future test results. Periodic exams (~~include all the elements of the initial exams except that the cytologic tests~~) are to be performed semiannually only on those employees who are 45 years of age or older or who have worked for 5 or more years in the regulated area (~~periodic exams are to be performed semi-annually for this group instead of annually~~) and include an updated work history; an updated medical history; pulmonary function test; weight comparison; skin examination; a urinalysis; and a urine cytology exam. The examination contents are minimum requirements, additional tests such as lateral and oblique x-rays or additional pulmonary function tests may be performed if deemed necessary.

(2) Pulmonary function tests.

Pulmonary function tests should be performed in a manner which minimizes subject and operator bias. There has been shown to be learning effects with regard to the results obtained from certain tests, such as FEV 1.0. Best results can be obtained by multiple trials for each subject. The best of three trials or the average of the last three of five trials may be used in obtaining reliable results. The type of equipment used (manufacturer, model, etc.) should be recorded with the results as reliability and accuracy varies and such information may be important in the evaluation of test results. Care should be exercised to obtain the best possible testing equipment.

~~((3) Sputum cytology.~~

~~Sputum can be collected by aerosol inhalation during the medical exam or by spontaneous early morning cough at home. Sputum is induced by transoral inhalation of an aerosolized solution of eight per cent sodium chloride in water. After inhaling as few as three to five breaths the subject usually yields an adequate sputum specimen. A minimum of three samples should be collected by the subject at home. All sputum should be collected directly into sixty percent alcohol.~~

~~Scientific evidence suggests that chest x rays and sputum cytology should be used together as screening tests for lung cancer in high risk populations, such as~~

~~coke oven workers. The tests are to be performed every six months on workers who are 45 years of age or older or have worked in the regulated area for 5 or more years. Since the tests seem to be complementary, it may be advantageous to alternate the test procedures. For instance, chest x rays could be obtained in June and December and sputum cytologies could be obtained in March and September. Facilities for providing necessary diagnostic investigation should be readily available as well as chest physicians, surgeons, radiologists, pathologists, and immunotherapists to provide any necessary treatment services.~~)

WSR 97-21-041
EXPEDITED ADOPTION
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed October 10, 1997, 4:34 p.m.]

Title of Rule: Guarding of abrasive wheel machinery, chapter 296-24 WAC, General safety and health standards.

Purpose: Chapter 296-24 WAC, General safety and health standards, the existing department requirement relating to 150° maximum angular exposure for surface grinders and cut-off wheels was based on the 1970 American National Standards Institute (ANSI) standard ANSI B7.1.

This requirement, found in WAC 296-24-18005, is out of date based on the current ANSI standard, which was amended in 1978 and 1988 to allow a 180° maximum angular exposure for surface grinders and cut-off wheels. In addition, there is no data currently available to support or suggest that the difference between 150° and 180° maximum exposure presents any direct and immediate relationship to worker safety and health. Therefore, the department is proposing to amend chapter 296-24 WAC to allow a 180° maximum angular exposure for surface grinders and cut-off wheels. This amendment will not establish additional compliance requirements.

This amendment will:

- Make the standard consistent with current ANSI standards;
- Make the standard consistent with chapter 296-155 WAC, Safety standards for construction (this standard references a semicircular enclosure, and therefore allows the 180° angle of exposure) thus ensuring clarity and eliminating the need for a separate interpretive policy because of the differences between the standards; and
- Incorporate longstanding OSHA and Department of Labor and Industries' enforcement policies into the Washington Administrative Code, which is consistent with requirements of regulatory reform.

Amended section WAC 296-24-18005 Guarding of abrasive wheel machinery, a state-initiated proposed amendment is made to change the maximum angular exposure for surface grinders and cut-off wheels from 150° to 180°.

Reason for Using Expedited Adoption

State-initiated changes are based on the requirements in the Governor's Executive Order 97-02, Regulatory Improve-

ment. The department is using the expedited rule adoption process. The following criterion for expedited adoption of a rule in Title 34 RCW, Administrative law is met:

"(c) The proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect."

This amendment would provide consistency between chapters 296-24 and 296-155 WAC, and would eliminate the need for a separate interpretive policy.

Statutory Authority for Adoption: RCW 49.17.040 and 49.17.050.

Statute Being Implemented: RCW 49.170.040 [49.17.040] and 49.17.050.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, Washington, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, Washington, (360) 902-5495.

Name of Proponent: Washington State Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING 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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Marie Myerchin-Redifer, Washington State Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY December 22, 1997.

October 10, 1997

Gary Moore

Director

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-18005 Guarding of abrasive wheel machinery. (1) Cup wheels. Cup wheels (types 6 and 11) shall be protected by:

(a) Safety guards as specified in (1) through (10) of this section.

(b) Band type guards as specified in (11) of this section; and

(c) Special "revolving cup guards" which mount behind the wheel and turn with it. They shall be made of steel or other material with adequate strength and shall enclose the wheel sides upward from the back for one-third of the wheel thickness. The mounting features shall conform with all

requirements of this section. It is necessary to maintain clearance between the wheel side and the guard. This clearance shall not exceed one-sixteenth inch.

(2) Guard exposure angles. The maximum exposure angles specified in (3) through (8) of this section shall not be exceeded. Visors or other accessory equipment shall not be included as a part of the guard when measuring the guard opening, unless such equipment has strength equal to that of the guard.

(3) Bench and floor stands. The angular exposure of the grinding wheel periphery and sides for safety guards used on machines known as bench and floor stands should not exceed 90° or one-fourth of the periphery. This exposure shall begin at a point not more than 65° above the horizontal plane of the wheel spindle. (See Figures O-6 and O-7 and (9) of this section.)

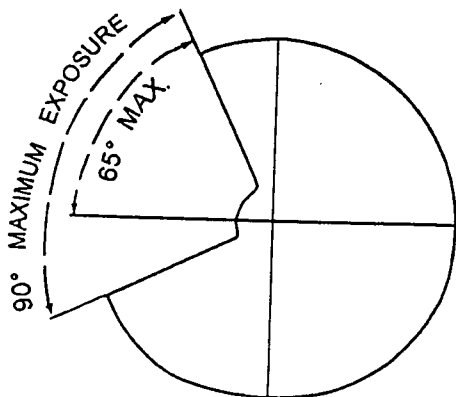


Figure No. O-6

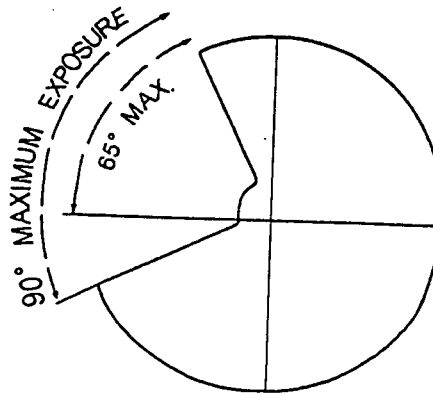


Figure No. O-7

Wherever the nature of the work requires contact with the wheel below the horizontal plane of the spindle, the exposure shall not exceed 125°. (See Figures O-8 and O-9.)

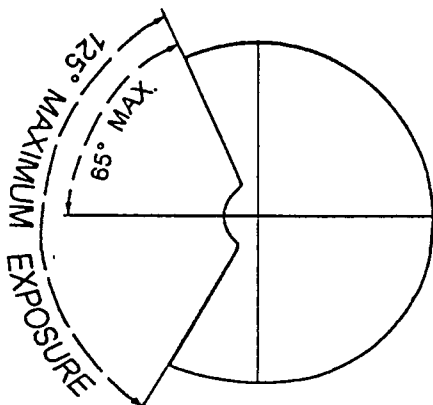


Figure No. O-8

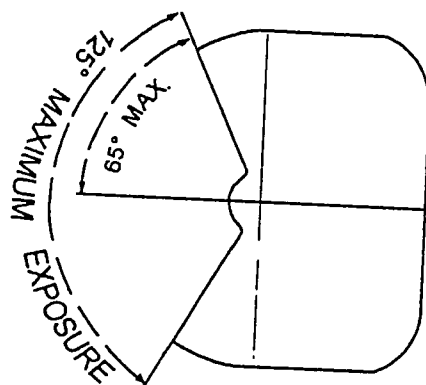


Figure No. O-9

(4) Cylindrical grinders. The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on cylindrical grinding machines shall not exceed 180°. This exposure shall begin at a point not more than 65° above the horizontal plane of the wheel spindle. (See Figures O-10 and O-11 and (9) of this section.)

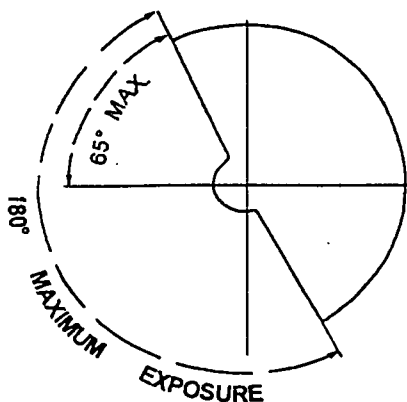


Figure No. O-10

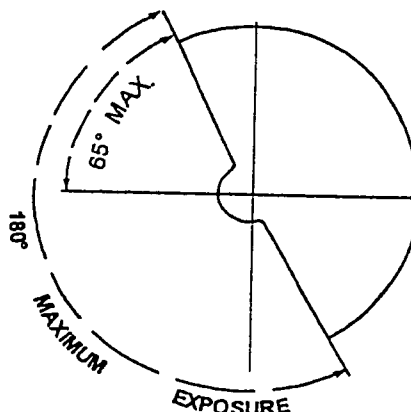


Figure No. O-11

EXPEDITED ADOPTION

(5) Surface grinders and cutting-off machines. The maximum angular exposure of the grinding wheels periphery and sides for safety guards used on cutting-off machines and on surface grinding machines which employ the wheel periphery shall not exceed ~~((150°))~~ 180°. This exposure shall begin at a point not less than 15° below the horizontal plane of the wheel spindle. (See Figures O-12 and O-13.)

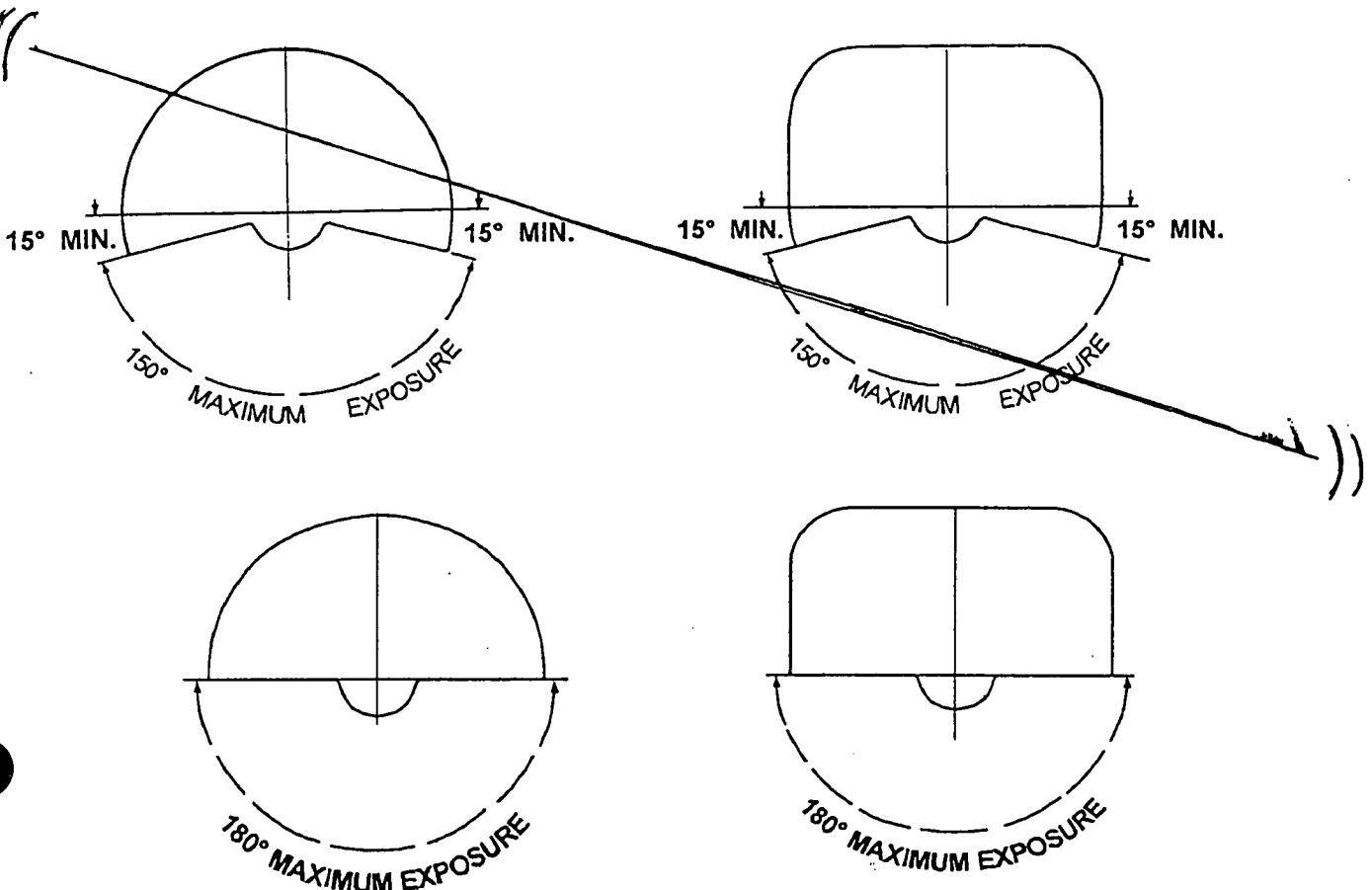


Figure No. O-12

Figure No. O-13

(6) Swing frame grinders. The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on machines known as swing frame grinding machines shall not exceed 180°, and the top half of the wheel shall be enclosed at all times. (See Figures O-14 and O-15.)

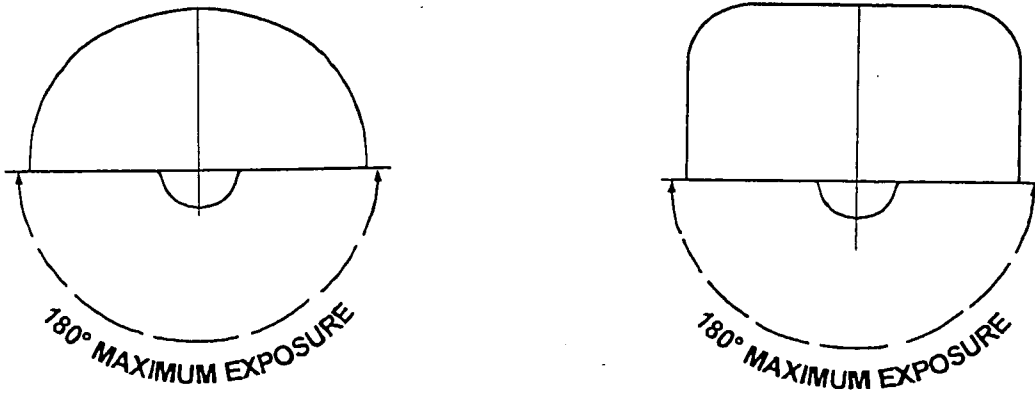


Figure No. O-14

Figure No. O-15

EXPEDITED ADOPTION

(7) Automatic snagging machines. The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on grinders known as automatic snagging machines shall not exceed 180° and the top half of the wheel shall be enclosed at all times. (See Figures O-14 and O-15.)

(8) Top grinding. Where the work is applied to the wheel above the horizontal centerline, the exposure of the grinding wheel periphery shall be as small as possible and shall not exceed 60°. (See Figures O-16 and O-17.)

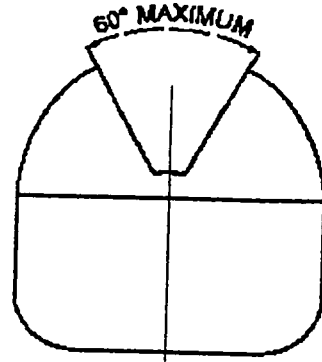
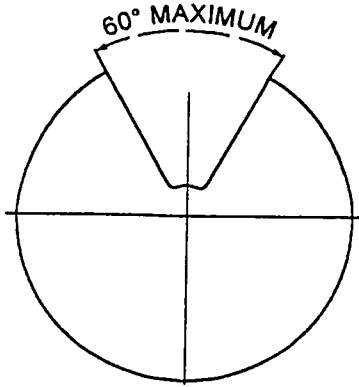


Figure No. O-16

Figure No. O-17

(9) Exposure adjustment. Safety guards of the types described in (3) and (4) of this section, where the operator stands in front of the opening, shall be constructed so that the peripheral protecting member can be adjusted to the constantly decreasing diameter of the wheel. The maximum angular exposure above the horizontal plane of the wheel spindle as specified in (3) and (4) of this section shall never be exceeded, and the distance between the wheel periphery and the adjustable tongue or the end of the peripheral member at the top shall never exceed one-fourth inch. (See Figures O-18, O-19, O-20, O-21, O-22, and O-23.)

(10) Material requirements and minimum dimensions. (a) See Figures O-36 and O-37 and Table O-9 for minimum basic thickness of peripheral and side members for various types of safety guards and classes of service.

(b) If operating speed does not exceed 8,000 surface feet per minute cast iron safety guards, malleable iron guards or other guards as described in item (10)(c) of this subsection.

(c) Cast steel, or structural steel, safety guards as specified in Figures O-36 and O-37 and Table O-9 shall be used where operating speeds of wheels are faster than 8,000 surface feet per minute up to a maximum of 16,000 surface feet per minute.

(d) For cutting-off wheels 16 inches diameter and smaller and where speed does not exceed 16,000 surface feet per minute, cast iron or malleable iron safety guards as specified in Figures O-36 and O-37 and in Table O-9 shall be used.

EXPEDITED ADOPTION

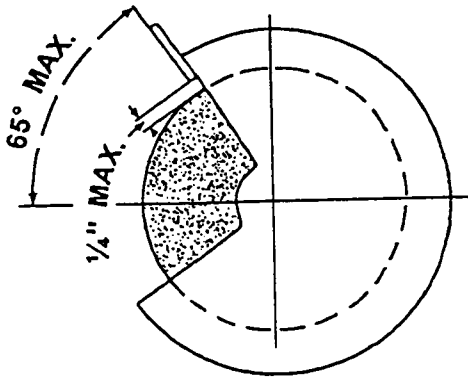


Figure No. O-18

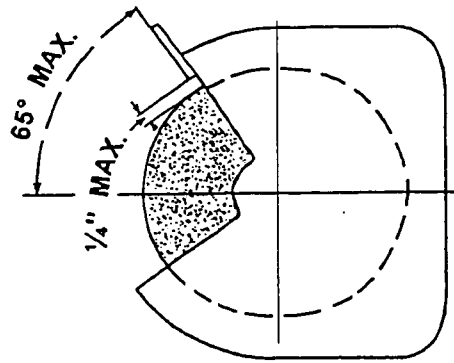


Figure No. O-19

CORRECT

Showing adjustable tongue giving required angular protection for all sizes of wheel used.

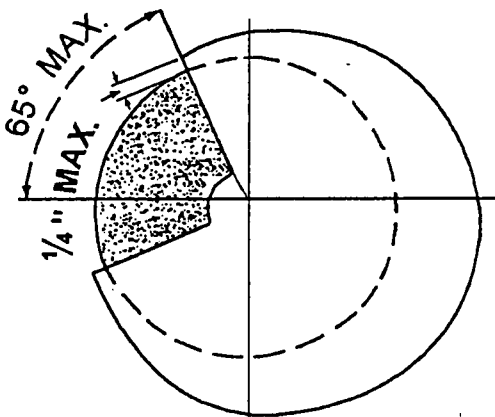


Figure No. O-20

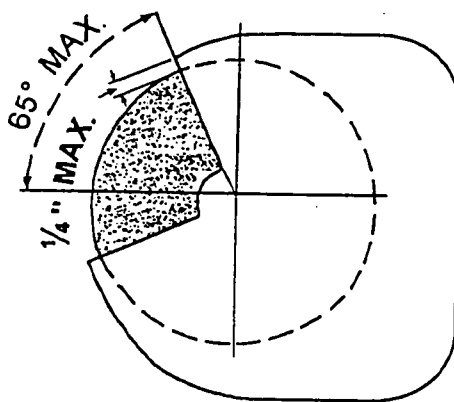


Figure No. O-21

CORRECT

Showing movable guard with opening small enough to give required protection for smallest size wheel used.

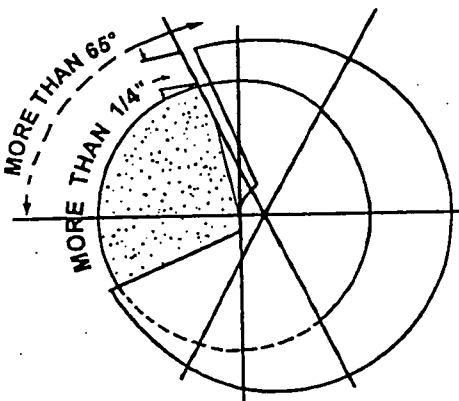


Figure No. O-22

INCORRECT

Showing movable guard with size of opening correct for full size wheel but too large for smaller wheels.

(e) For cutting-off wheels larger than 16 inches diameter and where speed does not exceed 14,200 surface feet per

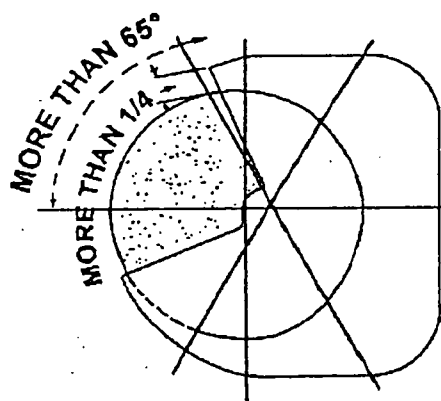


Figure No. O-23

minute, safety guards as specified in Figures O-27 and O-28, and in Table O-1 shall be used.

(f) For thread grinding wheels not exceeding 1 inch in thickness cast iron or malleable iron safety guards as specified in Figures O-36 and O-37, and in Table O-9 shall be used.

EXPEDITED ADOPTION

(11) Band type guards—General specifications. Band type guards shall conform to the following general specifications:

(a) The bands shall be of steel plate or other material of equal or greater strength. They shall be continuous, the ends being either riveted, bolted, or welded together in such a manner as to leave the inside free from projections.

(b) The inside diameter of the band shall not be more than 1 inch larger than the outside diameter of the wheel, and shall be mounted as nearly concentric with the wheel as practicable.

(c) The band shall be of sufficient width and its position kept so adjusted that at no time will the wheel protrude beyond the edge of the band a distance greater than that indicated in Figure O-29 and in Table O-2 or the wall thickness (W), whichever is smaller.

(12) Guard design specifications. Abrasive wheel machinery guards shall meet the design specifications of the American National Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, ANSI B7.1-1970. This requirement shall not apply to natural sandstone wheels or metal, wooden, cloth, or paper discs, having a layer of abrasive on the surface.

WSR 97-21-042
EXPEDITED ADOPTION
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 10, 1997, 4:36 p.m.]

Title of Rule: Right to know fee assessment.

Purpose: Chapter 296-63 WAC, Right to know fee assessments, the legislature established the right to know program in 1984 to disclose information about hazardous substances in the workplace and community, and to provide residents of Washington state access to hazardous substance information (chapter 49.70 RCW). RCW 49.70.170 requires the department to adopt the rules necessary to collect fees from certain employers to support the right to know program.

Currently, employers granted exemptions from paying right to know fees must pay the fee for the billing period in which the exemption is granted. The proposed amendments would allow the department to not require payment of the right to know fees for the billing period in which the exemption is granted, and would therefore result in more equitable treatment of employers granted exemptions.

Redundant language relating to retroactive exemptions would also be eliminated, although this would not affect the prohibition against granting retroactive exemptions. These amendments will not establish additional compliance requirements.

Amended section WAC 296-63-009 Exemption requests, state-initiated proposed amendments are made to:

- WAC 296-63-009(1): Wording changes in this subsection will allow the exemption to take effect immediately upon approval by the agency.
- WAC 296-63-009(2): Delete this subsection to eliminate redundant language.

Reason for Using Expedited Adoption

State-initiated changes are based on the requirements in the Governor's Executive Order 97-02, Regulatory Improvement. The department is using the expedited rule adoption process. The following criterion for expedited adoption of a rule in Title 34 RCW, Administrative law is met:

"(a) The proposed rules relate only to internal governmental operations that are not subject to violation by a person."

Statutory Authority for Adoption: RCW 49.70.170 and 49.17.040.

Statute Being Implemented: RCW 49.70.170.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, Washington, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, Washington, (360) 902-5495.

Name of Proponent: Washington State Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING 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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Marie Myerchin-Redifer, Washington State Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY December 22, 1997.

October 10, 1997

Gary Moore
Director

AMENDATORY SECTION (Amending Order 86-38, filed 11/6/86)

WAC 296-63-009 Exemption requests. (1) Employers who do not have hazardous chemicals at their workplace may submit a written request for exemption to the department. Submission of an exemption request does not relieve an employer of his/her obligation to pay the fee assessment until such time as the request is approved. Employers granted exemptions will be removed from the listing of employers to be assessed a fee beginning with the ~~((first))~~ current billing ~~((following the date the exemption request is approved))~~ period.

~~((2))~~ ~~((Retroactive exemption requests shall not be granted.~~

~~((3)))~~ Exemptions shall only be considered for an employer's entire workplace consisting of all activities

reported to the department under the same employer identification number.

~~((4))~~ (3) Each request for exemption must contain the following information:

- (a) Firm name and employer identification number;
- (b) Complete mailing address;
- (c) Complete location (such as street) address;
- (d) A certified statement in the form required by RCW

9A.72.085 that a hazardous chemical survey of the employer's premises has been completed by a qualified person, the identity and qualifications of the person completing the survey, and that no hazardous chemicals as defined by WAC 296-62-054 through 296-62-05427 are present at the workplace.

~~((5))~~ (4) The department may schedule an on-site inspection to determine the validity of the exemption request.

~~((6))~~ (5) The employer shall provide to the department within five working days of receiving a request from the department, any additional information identified by the department as necessary for evaluating the exemption request.

~~((7))~~ (6) Exemption requests shall be mailed to:

Right to Know Program
Department of Labor and Industries ~~(HC 489~~
~~805 Plum Street S.E.)~~
P.O. Box 44620
Olympia, Washington 98504-4620

WSR 97-21-095
EXPEDITED ADOPTION
DEPARTMENT OF REVENUE
[Filed October 20, 1997, 11:59 a.m.]

Title of Rule: Amendatory section WAC 458-18-210 Refunds—Procedure—Interest.

Purpose: This rule sets out the two methods under which property tax refunds are issued under chapter 84.69 RCW.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070.

Statute Being Implemented: RCW 84.69.030, 84.69.100, and 84.69.150.

Summary: The proposed changes to this rule are a result of chapter 67, Laws of 1997 that changed the date from which interest accrues. Previously, refunds included interest that accrued from the date the tax was paid or from the date the claim for refund was filed, whichever was later. Under chapter 67, interest accrues from the date the taxes to be refunded are paid. WAC 458-18-210 is also being updated to clarify the language of the rule to make it easier to read and understand.

Reasons Supporting Proposal: Because date from which interest on property tax refunds accrues was changed effective July 27, 1997, it is necessary to change the rule outlining refund procedures in an accurate and up-to-date manner in the most expeditious way possible.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 711 Capitol Way South, #303, Olympia, WA, (360) 664-0086; Implementation and Enforcement: Sandy Guilfoil, 6004 Capitol Boulevard, Tumwater, WA, (360) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-18-210 incorporates procedures for refunding property taxes contained in RCW 84.69.030, 84.69.100, and 84.69.150. The rule provides county officials with two methods to use in refunding property taxes. The language of RCW 84.69.100 was amended during the 1997 legislative session by chapter 67, which became effective July 27, 1997. This legislation changed the date from which interest on refunds accrues. Therefore, it is necessary to update this rule so that it reflects the current state of the law regarding property tax refunds.

Proposal Changes the Following Existing Rules: The proposed rule amends the current version of WAC 458-18-210. It incorporates the statutory change that altered the date from which interest on refunds accrues. The rule is also being amended to make its language clearer and easier to read and understand.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING 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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, AND RECEIVED BY December 20, 1997.

October 20, 1997
Russell W. Brubaker
Assistant Director
Legislation and Policy Division

AMENDATORY SECTION (Amending Order PT 87-7, filed 9/23/87)

WAC 458-18-210 Refunds—Procedure—Interest.

(1) Refunds provided for by chapter 84.69 RCW are made by one of the following two methods:

(a) The county legislative authority acts upon its own motion and orders a refund; or

(b) The taxpayer files a claim for refund with the county. ~~((Such))~~ This claim shall ~~((be))~~:

(i) Be verified by the person who paid the tax, his guardian, executor or administrator; and

(ii) Be filed within three years after ~~((making of))~~ the payment sought to be refunded was made; and

(iii) ~~((Stating))~~ State the statutory ground upon which the refund is claimed.

(2) All claims for refunds must be certified as correct by the county assessor and treasurer and not be refunded until so ordered by the county legislative authority.

(3) For all refunds, the rate of interest ~~((shall be as contained))~~ is set out in WAC 458-18-220. The rate of

EXPEDITED ADOPTION

interest is based upon the date the taxes were paid (~~or the claim for refund is filed, whichever is later~~).

(4) Except as provided in subsections (5) and (6) of this section, the interest shall accrue from the time the taxes were paid (~~or the claim for refund was filed, whichever is later~~), until the refund is made.

(5) Refunds on a state, county or district-wide basis shall not commence to accrue interest until six months following the date of the final order of the court.

(6) Refunds may be made without interest within sixty days after the date of payment if:

- (a) Paid more than once; or
- (b) The amount paid exceeds the amount due on the property as shown on the tax roll.

WSR 97-21-096
EXPEDITED ADOPTION
DEPARTMENT OF REVENUE
 [Filed October 20, 1997, 12:00 p.m.]

Title of Rule: Amendatory section WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.

Purpose: To provide county assessors with the rate of interest and property tax component to be used in valuing farm and agricultural land classified under chapter 84.34 RCW during assessment year 1998.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, 84.34.360.

Statute Being Implemented: RCW 84.34.065.

Summary: The amendments to this rule update the interest rate and the property tax component used in valuing farm and agricultural land classified under chapter 84.34 RCW.

Reasons Supporting Proposal: RCW 84.34.065 requires the department to annually determine a rate of interest and property tax component and to publish a rule containing these determinations by January 1st each year.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 711 Capitol Way South, #303, Olympia, WA, (360) 664-0086; Implementation and Enforcement: Sandy Guilfoil, 6004 Capitol Boulevard, Tumwater, WA, (360) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-30-262 provides county assessors with information that will be used in assessment year 1998 to value land classified as farm and agricultural land under chapter 84.34 RCW. This rule must be updated annually to reflect the changes in the interest rate and property tax component used by the county assessors to determine the value of classified farm and agricultural land during the upcoming assessment year.

Proposal Changes the Following Existing Rules: This proposed rule amends the current version of WAC 458-30-262. The amendments to this rule relate to assessment year 1998 and change the interest rate and the property tax component. These figures will be used to value farm and

agricultural land classified under chapter 84.34 RCW during assessment year 1998.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING 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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, AND RECEIVED BY December 20, 1997.

October 20, 1997
 Russell W. Brubaker
 Assistant Director
 Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 97-02-066, filed 12/31/96, effective 1/1/97)

WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component. For assessment year (~~(1997)~~) 1998, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is (~~(9-2)~~) 9.3 percent; and
- (2) The property tax component for each county is:

COUNTY	PERCENT	COUNTY	PERCENT
Adams	((1-44)) <u>1.47</u>	Lewis	((1-24)) <u>1.22</u>
Asotin	1.56	Lincoln	((1-53)) <u>1.49</u>
Benton	((1-38)) <u>1.50</u>	Mason	((1-26)) <u>1.20</u>
Chelan	((1-37)) <u>1.32</u>	Okanogan	((1-38)) <u>1.39</u>
Clallam	((1-17)) <u>1.24</u>	Pacific	1.28
Clark	1.39	Pend Oreille	((1-34)) <u>1.28</u>
Columbia	((1-36)) <u>1.49</u>	Pierce	1.59
Cowlitz	((1-20)) <u>1.21</u>	San Juan	((0-84)) <u>0.79</u>
Douglas	((1-36)) <u>1.41</u>	Skagit	((1-23)) <u>1.30</u>
Ferry	((1-16)) <u>1.21</u>	Skamania	((1-05)) <u>1.08</u>
Franklin	((1-58)) <u>1.55</u>	Snohomish	((1-23)) <u>1.39</u>
Garfield	((1-52)) <u>1.46</u>	Spokane	((1-54)) <u>1.55</u>
Grant	1.46	Stevens	((1-18)) <u>1.12</u>
Grays Harbor	((1-42)) <u>1.34</u>	Thurston	((1-49)) <u>1.53</u>
Island	((0-95)) <u>1.00</u>	Wahkiakum	1.17
Jefferson	1.17	Walla Walla	((1-50)) <u>1.48</u>
King	1.38	Whatcom	((1-26)) <u>1.28</u>
Kitsap	((1-41)) <u>1.45</u>	Whitman	((1-72)) <u>1.69</u>
Kittitas	((1-12)) <u>1.16</u>	Yakima	((1-40)) <u>1.38</u>
Klickitat	((1-12)) <u>1.23</u>		

WSR 97-21-097
EXPEDITED ADOPTION
DEPARTMENT OF REVENUE
 [Filed October 20, 1997, 12:02 p.m.]

Title of Rule: Amendatory section WAC 458-30-590 Rates of inflation.

Purpose: To provide a rate of inflation that is used by county officials to calculate interest on deferred property taxes in certain circumstances.

Statutory Authority for Adoption: RCW 84.34.360.

EXPEDITED ADOPTION

Statute Being Implemented: RCW 84.34.310.

Summary: Special benefit assessments on farm and agricultural or timber land classified under chapter 84.34 RCW may be deferred by the land owner. If the land owner has chosen to defer this type of assessment and the classified land is subsequently removed or withdrawn from classification under chapter 84.34 RCW, the deferred special benefit assessment becomes due and payable with interest. This rule provides the rate of inflation that is used to calculate the interest to be added to the deferred assessment and the sum of these amounts equals the total amount due.

Reasons Supporting Proposal: RCW 84.34.310(6) authorizes the department to determine the rate of inflation and to adopt this rate by rule prior to January 1st each year.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 711 Capitol Way South, #303, Olympia, WA, (360) 664-0086; Implementation and Enforcement: Sandy Guilfoil, 6004 Capitol Boulevard, Tumwater, WA, (360) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendatory rule is necessary to update the rate of inflation table to include 1997. The rate of inflation is used when land classified as farm and agricultural or timber land under chapter 84.34 RCW is removed or withdrawn from classification and the special benefit assessments relating to this land have been deferred by the land owner. This rate is used to calculate a rate of interest that is added to the amount of assessment deferred and the total amount due.

Proposal Changes the Following Existing Rules: This proposed rule amends the current version of WAC 458-30-590. The proposed rule adds the rate of inflation for 1997.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING 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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, AND RECEIVED BY December 20, 1997.

October 20, 1997

Russell W. Brubaker
Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 97-02-067, filed 12/31/96, effective 1/1/97)

WAC 458-30-590 Rates of inflation. (1) Introduction. This section sets forth the rates of inflation discussed in WAC 458-30-550.

(2) **Rates of inflation.** The rates of inflation to be used for calculating the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1977	6.5
1978	7.6	1979	11.3
1980	13.5	1981	10.3
1982	6.2	1983	3.2
1984	4.3	1985	3.5
1986	1.9	1987	3.7
1988	4.1	1989	4.8
1990	5.4	1991	4.2
1992	3.3	1993	2.7
1994	2.2	1995	2.3
1996	2.2	<u>1997</u>	<u>2.1</u>

**WSR 97-21-098
EXPEDITED ADOPTION
DEPARTMENT OF REVENUE**

[Filed October 20, 1997, 12:05 p.m.]

Title of Rule: Amendatory section WAC 458-18-220 Refunds—Rate of interest.

Purpose: To update rule so it reflects the rate of interest for auction year 1997 that will be included when property taxes paid during 1998 are refunded.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070.

Statute Being Implemented: RCW 84.69.100.

Summary: The rates of interest set forth in this rule are used when property taxes are refunded. The rates of interest are listed according to the year in which the property taxes are paid.

Reasons Supporting Proposal: RCW 84.69.100 requires interest to be included when property taxes are refunded. This statute also requires the department to adopt the rate of interest by rule.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 711 Capitol Way South, #303, Olympia, WA, (360) 664-0086; Implementation and Enforcement: Sandy Guilfoil, 6004 Capitol Boulevard, Tumwater, WA, (360) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 84.69.100 directs interest to be paid when property taxes are refunded. WAC 458-18-220 sets forth the rate of interest on a yearly basis and is used by county officials to calculate the total amount of property tax and interest to be refunded to the taxpayer.

Proposal Changes the Following Existing Rules: This proposed rule amends the current version of WAC 458-18-220. The amendments to this rule specify the rate of interest to be paid when taxes paid in 1998 are refunded in accordance with RCW 84.69.100.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS

EXPEDITED ADOPTION

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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, AND RECEIVED BY December 20, 1997.

October 20, 1997

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 97-02-068, filed 12/31/96, effective 1/1/97)

WAC 458-18-220 Refunds—Rate of interest. The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid (~~or the claim for refund is filed, whichever is later~~). The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

Year tax paid (~~chapter 84.68 RCW~~); ~~Year tax paid or claim filed (whichever is later) (chapter 84.69 RCW))~~

Auction Year

Rate

1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%
1993	1992	3.42%
1994	1993	3.19%
1995	1994	4.92%
1996	1995	5.71%
1997	1996	5.22%
<u>1998</u>	<u>1997</u>	<u>5.14%</u>

EXPEDITED ADOPTION

WSR 97-20-009
PERMANENT RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY

[Filed September 18, 1997 10:37 a.m., effective November 1, 1997]

Date of Adoption: September 11, 1997.

Purpose: To establish general regulatory order fees; adjust maximum civil penalty amount for inflation; adjust registration, notice of construction, and operating permit fees to cover program costs; update delegation for NSPS (New Source Performance Standards) and NESHAPs (National Emission Standards for Hazardous Air Pollutants).

Citation of Existing Rules Affected by this Order: Amending Reg. I - 3.03, 3.11, 5.05, 5.07, 6.04, 6.10, 6.11, 7.07, 7.09; Reg. III - 2.02.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 97-15-125 on July 23, 1997.

Changes Other than Editing from Proposed to Adopted Version: In Regulation I, Section 5.07 (b)(5) "toxic air contaminant (TAC)" was changed to "hazardous air pollutant (HAP)."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: November 1, 1997.

September 17, 1997

James L. Nolan

Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 3.03 GENERAL REGULATORY ORDERS

(a) **Purpose.** The Board may, by regulatory order, apply to a specific source or sources any applicable provision of chapter 70.94 RCW or the rules adopted thereunder.

(b) **Public Involvement Process.** The Board may issue a regulatory order after the following public involvement process has been completed:

(1) Public notice of the proposed order shall be published in a newspaper of general circulation in the area where the source that is the subject of the order is located. Notice shall also be sent to the U.S. Environmental Protection Agency Regional Administrator. ~~((The cost of providing public notice shall be borne by the affected source.))~~ The public notice shall include, at a minimum, the following information:

(A) The name and address of the owner or operator and the source;

(B) A brief description of the purpose of the proposed order and the requirements included in the proposed order;

(C) The deadline for submitting written comments to PSAPCA; and

(D) The opportunity for a public hearing if PSAPCA determines that there is significant public interest in the proposed order.

(2) The initial public comment period shall be at least 30 days.

(3) During the initial 30-day public comment period, any person may request a public hearing be held. Any such request shall be submitted in writing to the Agency, shall indicate the interest of the entity filing it, and describe why a hearing is warranted. The Agency may, at its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held before a hearing officer and upon such notice and at a time and place as the Agency deems reasonable. The hearing officer shall hear testimony at the public hearing and prepare a written summary of the testimony received at the hearing. The Agency shall provide at least 30 days prior notice of any hearing. If a public hearing is held, the public comment period shall extend through the hearing date.

(c) **Board Action.** The Board shall only issue an order under this section after:

(1) The public comment period has ended;

(2) Any public hearing scheduled has been held; and

(3) The Board has considered all information and data related to the proposed order received by PSAPCA, including all written comments received and any summary of testimony prepared by the hearing officer.

The Board shall take action on a proposed order at a Board meeting. Unless otherwise ordered by the Board, an order issued under this section shall be effective on the date the Board approves the order.

(d) **Appeals.** Orders issued by the Board under this section may be appealed to the Pollution Control Hearings Board pursuant to Section 3.17 of Regulation I and RCW 43.21B.310.

NEW SECTION

REGULATION I SECTION 3.04 GENERAL REGULATORY ORDER FEES

(a) The applicant must pay a fee of \$1,000.00 to the Agency when submitting an application for a general regulatory order under Section 3.03 of Regulation I; and

(b) The applicant must pay to the Agency a fee equal to the cost of providing public notice in accordance with Section 3.03(b) of Regulation I.

AMENDATORY SECTION

REGULATION I SECTION 3.11 CIVIL PENALTIES

(a) Any person who violates any of the provisions of 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 ~~(((\$11,550.00))~~ \$11,977.00 per day for each violation.

(b) Any person who fails to take action as specified by an order issued pursuant to Chapter 70.94 RCW or Regula-

tions I, II, and III of the Puget Sound Air Pollution Control Agency shall be liable for a civil penalty of not more than ((~~\$11,550.00~~)) \$11,977.00 for each day of continued non-compliance.

(c) Within 15 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;
- (2) A copy of the Notice and Order of Civil Penalty appealed from;
- (3) A short and plain statement showing the grounds upon which the appealing party considers such order to be unjust or unlawful;
- (4) A clear and concise statement of facts upon which the appealing party relies to sustain his or her grounds for appeal;
- (5) The relief sought, including the specific nature and extent; and
- (6) A statement that the appealing party has read the notice of appeal 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 requester 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 Chapter 43.21B RCW and 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.

AMENDATORY SECTION

REGULATION I SECTION 5.05 GENERAL REPORTING REQUIREMENTS FOR REGISTRATION

(a) **General.** The owner or operator of an air contaminant source for which registration is required by Section 5.03, shall make reports containing information as required by the Agency concerning location, size, and height of contaminant outlets, processes employed, nature and quantity of the air contaminant emission, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

(b) **Registration Form.** Registration information shall be provided on forms supplied by the Agency and shall be completed and returned within the time specified on the form.

(c) **Reporting Responsibility.** The owner, operator, or a designated representative shall sign Agency registration and reporting forms for each source. The owner or operator of the source shall be responsible for notifying the Agency of the existence of the source, and for the accuracy, completeness, and timely submittal of registration reporting information and any accompanying fee.

(d) **Emission Reporting.** An emission report shall be required from each registered source of those air contaminants during the previous calendar year that equal or exceed the following (tons/year):

carbon monoxide (CO) emissions	25
facility-combined total of all toxic air contaminant (TAC) emissions	((\$) 6)
any single toxic air contaminant (TAC) emissions	2
nitrogen oxide (NOx) emissions	25
particulate matter (PM ₁₀) emissions	25
sulfur oxide (SOx) emissions	25
volatile organic compounds (VOC) emissions . . .	25

Annual emission rates shall be reported to the nearest whole tons per year for only those air contaminants that equal or exceed the thresholds above.

(e) **Operation and Maintenance Plan.** Owners or operators of air contaminant sources subject to Section 5.03 above shall develop and implement an operation and maintenance plan to assure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

- (1) Periodic inspection of all equipment and control equipment;
- (2) Monitoring and recording of equipment and control equipment performance;
- (3) Prompt repair of any defective equipment or control equipment;
- (4) Procedures for start up, shut down, and normal operation;
- (5) The control measures to be employed to assure compliance with Section 9.15 of Regulation I; and
- (6) A record of all actions required by the plan.

PERMANENT

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes good industrial practice.

(f) **Report of Closure.** Continued payment of the annual registration fee to the Agency maintains the registration of the source with the Agency, as well as the status of the source as an operating facility. A source shall only be removed from the registration program after a written request has been received from the owner or operator of the source. It shall be unlawful for any person to operate a source that has been removed from registration, unless the owner or operator has submitted and received an approval for a "Notice of Construction and Application for Approval", in compliance with Article 6.

(g) **Report of Change of Ownership.** A new owner of a source shall report in writing any change of ownership to the Agency within 90 days of such a change.

AMENDATORY SECTION

REGULATION I SECTION 5.07 REGISTRATION FEES

(a) The Agency shall levy annual fees as set forth in Section 5.07(b) below ~~((the 1997 Registration Fee Schedule))~~ for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the program. Registration fees do not apply to sources subject to Article 7 of Regulation I.

(b) Upon assessment by the Agency, the following registration fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days.

~~((1997 REGISTRATION FEE SCHEDULE~~

Facility Fees:))

(1) Automobile body repair and painting (SIC = 7532)	\$200
(2) ((Dry-Cleaning)) Dry-cleaning plants, except rug cleaning (SIC = 7216)	\$130
(3) Gasoline service stations with more than 1 tank	\$300
(4) Gasoline service stations with 1 tank	\$150
(5) Emission reporting sources under Section 5.05(d) that equal or exceed any of the following emission thresholds in tons per year during the previous calendar year:	
carbon monoxide (CO) emissions	50
facility-combined total of all hazardous air pollutant (HAP) emissions	12
any single hazardous air pollutants (HAP) emissions	5
nitrogen oxide (NOx) emissions	50
particulate matter (PM ₁₀) emissions	50
sulfur oxide (SOx) emissions	50
volatile organic compounds (VOC) emissions	50
. ((\$2,000))	\$2,500

(6) Emission reporting sources under Section 5.05(d) that equal or exceed any of the following emission thresholds in tons per year during the previous calendar year:

carbon monoxide (CO) emissions	25
facility-combined total of all toxic air contaminant (TAC) emissions	6
any single toxic air contaminant (TAC) emissions	2
nitrogen oxide (NOx) emissions	25
particulate matter (PM ₁₀) emissions	25
sulfur oxide (SOx) emissions	25
volatile organic compounds (VOC) emissions	25
.....	\$1,500

(7) Other sources ~~((with 8 or more equipment items (including control equipment)))~~ requiring registration under Section 5.03 in the following Standard Industrial Classification (SIC) codes (*Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget, 1987*): ~~((a Notice of Construction under Article 6))~~

1422	Crushed and Broken Limestone
1429	Crushed and Broken Stone
1442	Construction Sand and Gravel
1446	Industrial Sand
1611	Highway and Street Construction
2035	Pickled Fruits & Vegetables, Vegetable Sauces & Seasonings, and Salad Dressings
2077	Animal and Marine Fats and Oils
2099	Food Preparations
2491	Wood Preserving
2834	Pharmaceutical Preparations
2842	Specialty Cleaning, Polishing, and Sanitation Preparations
2873	Nitrogenous Fertilizers
2875	Fertilizers, Mixing Only
2893	Printing Ink
2951	Asphalt Paving Mixtures and Blocks
2952	Asphalt Felts and Coatings
3061	Molded, Extruded, and Lathe-Cut Mechanical Rubber Goods
3211	Flat Glass
3241	Cement, Hydraulic
3272	Concrete Products, except Block and Brick
3273	Ready-Mix Concrete
3275	Gypsum Products
3291	Abrasive Products
3292	Asbestos Products
3295	Minerals and Earths, Ground or Otherwise Treated
3299	Nonmetallic Mineral Products
3312	Steel Works, Blast Furnaces, and Rolling Mills
3315	Steel Wiredrawing and Steel Nails and Spikes
3321	Gray and Ductile Iron Foundries
3324	Steel Investment Foundries
3325	Steel Foundries
3334	Primary Production of Aluminum
3341	Secondary Smelting & Refining of Nonferrous Metals
3365	Aluminum Foundries
3366	Copper Foundries

PERMANENT

<u>3369</u>	<u>Nonferrous Foundries, except Aluminum and Copper</u>	<u>2452</u>	<u>Prefabricated Wood Buildings and Components</u>
<u>3398</u>	<u>Metal Heat Treating</u>	<u>2493</u>	<u>Reconstituted Wood Products</u>
<u>3433</u>	<u>Heating Equipment, except Electric and Warm Air Furnaces</u>	<u>2631</u>	<u>Paperboard Mills</u>
<u>3471</u>	<u>Electroplating, Plating, Polishing, Anodizing, and Coloring</u>	<u>2652</u>	<u>Setup Paperboard Boxes</u>
<u>3479</u>	<u>Coating, Engraving, and Allied Services</u>	<u>2653</u>	<u>Corrugated and Solid Fiber Boxes</u>
<u>3599</u>	<u>Industrial and Commercial Machinery and Equipment</u>	<u>2657</u>	<u>Folded Paperboard Boxes</u>
<u>3674</u>	<u>Semiconductors and Related Devices</u>	<u>2671</u>	<u>Packaging Paper and Plastics Film, Coated and Laminated</u>
<u>3679</u>	<u>Electronic Components</u>	<u>2675</u>	<u>Die-Cut Paper and Paperboard and Cardboard</u>
<u>3731</u>	<u>Ship Building and Repairing</u>	<u>2711</u>	<u>Newspapers: Publishing, or Publishing and Printing</u>
<u>4013</u>	<u>Railroad Switching and Terminal Establishments</u>	<u>2721</u>	<u>Periodicals: Publishing, or Publishing and Printing</u>
<u>4613</u>	<u>Refined Petroleum Pipelines</u>	<u>2731</u>	<u>Books: Publishing, or Publishing and Printing</u>
<u>4911</u>	<u>Electric Services</u>	<u>2752</u>	<u>Commercial Printing, Lithographic</u>
<u>4952</u>	<u>Sewerage Systems, (Treatment Plants)</u>	<u>2759</u>	<u>Commercial Printing</u>
<u>4953</u>	<u>Refuse Systems</u>	<u>2819</u>	<u>Industrial Inorganic Chemicals</u>
<u>5153</u>	<u>Grain and Field Beans</u>	<u>2821</u>	<u>Plastic Materials, Synthetic Resins, and Non-vulcanizable Elastomers</u>
<u>5169</u>	<u>Chemicals and Allied Products</u>	<u>2851</u>	<u>Paints, Varnishes, Lacquers, Enamels, and Allied Products</u>
<u>7694</u>	<u>Armature Rewinding Shops</u>	<u>2869</u>	<u>Industrial Organic Chemicals</u>
<u>8063</u>	<u>Psychiatric Hospitals</u>	<u>3089</u>	<u>Plastics Products</u>
<u>8069</u>	<u>Specialty Hospitals, except Psychiatric</u>	<u>3271</u>	<u>Concrete Block and Brick</u>
<u>8611</u>	<u>Business Associations</u>	<u>3441</u>	<u>Fabricated Structural Metal</u>
.....	\$1,000	<u>3443</u>	<u>Fabricated Plate Work</u>
(8)	Other sources ((with 3 to 7 or more equipment items (including control equipment))) requiring registration under Section 5.03 in the following Standard Industrial Classification (SIC) codes: ((a Notice of Construction under Article 6))	<u>3444</u>	<u>Sheet Metal Work</u>
<u>0711</u>	<u>Soil Preparation Services</u>	<u>3446</u>	<u>Architectural and Ornamental Metal Work</u>
<u>1459</u>	<u>Clay, Ceramic, and Refractory Minerals</u>	<u>3449</u>	<u>Miscellaneous Structural Metal Work</u>
<u>1521</u>	<u>General Contractor — Single-Family Homes</u>	<u>3463</u>	<u>Nonferrous Forgings</u>
<u>1629</u>	<u>Heavy Construction</u>	<u>3469</u>	<u>Metal Stampings</u>
<u>1731</u>	<u>Electrical Work</u>	<u>3483</u>	<u>Ammunition, except for Small Arms</u>
<u>2013</u>	<u>Sausages and Other Prepared Meat Products</u>	<u>3496</u>	<u>Miscellaneous Fabricated Wire Products</u>
<u>2032</u>	<u>Canned Specialties</u>	<u>3498</u>	<u>Fabricated Pipe and Pipe Fittings</u>
<u>2041</u>	<u>Flour and Other Grain Mill Products</u>	<u>3499</u>	<u>Fabricated Metal Products</u>
<u>2045</u>	<u>Prepared Flour Mixes and Doughs</u>	<u>3545</u>	<u>Cutting Tools, Machine Tool Accessories, and Machinists' Precision Measuring Devices</u>
<u>2047</u>	<u>Dog and Cat Food</u>	<u>3556</u>	<u>Food Products Machinery</u>
<u>2048</u>	<u>Prepared Feeds and Feed Ingredients for Animals and Fowls, except Dogs and Cats</u>	<u>3567</u>	<u>Industrial Process Furnaces and Ovens</u>
<u>2052</u>	<u>Cookies and Crackers</u>	<u>3571</u>	<u>Electronic Computers</u>
<u>2082</u>	<u>Malt Beverages</u>	<u>3629</u>	<u>Electrical Industrial Apparatus</u>
<u>2086</u>	<u>Bottled and Canned Soft Drinks and Carbonated water</u>	<u>3639</u>	<u>Household Appliances</u>
<u>2091</u>	<u>Canned and Cured Fish and Seafoods</u>	<u>3648</u>	<u>Lighting Equipment</u>
<u>2095</u>	<u>Roasted Coffee</u>	<u>3663</u>	<u>Radio & Television Broadcasting and Communications Equipment</u>
<u>2096</u>	<u>Potato Chips, Corn Chips, and Similar Snacks</u>	<u>3672</u>	<u>Printed Circuit Boards</u>
<u>2098</u>	<u>Macaroni, Spaghetti, Vermicelli, and Noodles</u>	<u>3691</u>	<u>Storage Batteries</u>
<u>2421</u>	<u>Sawmills and Planing Mills</u>	<u>3713</u>	<u>Truck and Bus Bodies</u>
<u>2426</u>	<u>Hardwood Dimension and Flooring Mills</u>	<u>3721</u>	<u>Aircraft</u>
<u>2429</u>	<u>Special Product Sawmills</u>	<u>3728</u>	<u>Aircraft Parts and Auxiliary Equipment</u>
<u>2431</u>	<u>Millwork</u>	<u>3743</u>	<u>Railroad Equipment</u>
<u>2434</u>	<u>Wood Kitchen Cabinets</u>	<u>3823</u>	<u>Industrial Instruments for Measurement, Display, and Control of Process Variables; and Related Products</u>
<u>2439</u>	<u>Structural Wood Members</u>	<u>3873</u>	<u>Watches, Clocks, Clockwork Operated Devices, and Parts</u>
<u>2441</u>	<u>Nailed and Lock-Corner Wood Boxes and Shook</u>	<u>4173</u>	<u>Terminal and Service Facilities for Motor Vehicle Passenger Transportation</u>
<u>2448</u>	<u>Wood Pallets and Skids</u>	<u>4212</u>	<u>Local Trucking without Storage</u>
		<u>4222</u>	<u>Refrigerated Warehousing and Storage</u>
		<u>4491</u>	<u>Marine Cargo Handling</u>

PERMANENT

4492	<u>Towing and Tugboat Services</u>
4512	<u>Air Transportation, Scheduled</u>
4581	<u>Airports, Flying Fields, and Airport Terminal Services</u>
4952	<u>Sewerage Systems, (Pump Stations)</u>
4961	<u>Steam and Air-Conditioning Supply</u>
5032	<u>Brick, Stone, and Related Construction Materials</u>
5039	<u>Construction Materials</u>
5051	<u>Metals Service Centers and Offices</u>
5065	<u>Electronic Parts and Equipment</u>
5093	<u>Scrap and Waste Materials</u>
5162	<u>Plastics Materials and Basic Forms and Shapes</u>
5171	<u>Petroleum Bulk Stations and Terminals</u>
5172	<u>Petroleum and Petroleum Products Wholesalers, except Bulk Stations and Terminals</u>
5199	<u>Nondurable Goods</u>
5712	<u>Furniture Stores</u>
5984	<u>Liquefied Petroleum Gas Dealers</u>
6513	<u>Operators of Apartment Buildings</u>
7218	<u>Industrial Launderers</u>
7219	<u>Laundry and Garment Services</u>
7261	<u>Funeral Service and Crematories</u>
7374	<u>Computer Processing and Data Preparation and Processing Services</u>
7534	<u>Tire Retreading and Repair Shops</u>
8062	<u>General Medical and Surgical Hospitals</u>
8221	<u>Colleges, Universities, and Professional Schools</u>
8331	<u>Job Training and Vocational Rehabilitation Services</u>
8422	<u>Arboreta and Botanical or Zoological Gardens</u>
8731	<u>Commercial Physical and Biological Research</u>
8744	<u>Facilities Support Management Services</u>
9221	<u>Police Protection</u>
9223	<u>Correctional Institutions</u>
9711	<u>National Security</u>
 \$500

(9) All Other sources, other than listed above in (1) through (8), ((with 2 or less equipment items (including control equipment) requiring a Notice of Construction under Article 6)) requiring registration under Section 5.03
 (((\$200)) \$250

((Additional Fees:
 Emission fees applicable to all emission reporting sources:

1995 CO emission fee ¹	\$8/ton
1995 TAC emission fee ²	\$8/ton
1995 NO _x , PM ₁₀ , or SO _x emission fee ³	\$25/ton
1995 NR or VOC emission fee ⁴	\$25/ton
Continuous emission monitor fee ⁵	\$1,500/monitor

¹ Required only when CO emissions equal or exceed 25 tons in 1995.
² Required only when individual TAC emissions equal or exceed 2 tons in 1995 or when total facility TAC emissions exceed 5 tons in 1995.
³ Required only when NO_x, PM₁₀, or SO_x emissions equal or exceed 25 tons in 1995.

⁴ Required only when organic compounds with negligible photochemical reactivity (NR), as listed in 40 CFR 51.100 (s)(1), or VOC emissions equal or exceed 25 tons in 1995.
⁵ Required only of continuous emission monitors required by Section 12.02, counting each pollutant and location as a separate monitor.))

AMENDATORY SECTION

REGULATION I SECTION 6.04 NOTICE OF CONSTRUCTION REVIEW FEES

A Notice of Construction and Application for Approval is incomplete until the Agency has received a ((~~plan examination~~)) fee as shown below:

General (not classified below) for each Piece of Equipment or Control Equipment	\$500
Minor NOC Change	\$500
NOC Applicability Determination	\$200
Relocation of Previously Permitted Portable Source to a New Address, except soil thermal desorption units ..	\$500
Asphalt Concrete Plant	\$1,000
Coffee Roaster	\$1,000
Composting Facility	\$2,500
Dry Cleaner (per machine)	\$300
Gasoline Station	\$500
Landfill Gas System	\$2,500
Refuse Burning Equipment: (rated capacity)	
12 tons per day or less	\$5,000((-\$0))
greater than 12 tons per day but less than	
250 tons per day	\$20,000((-\$0))
250 tons per day or greater	\$50,000((-\$0))
Spray-Painting Operation (per booth)	\$500
Storage Tanks excluding those at gasoline stations: (gallons)	
less than 20,000	(((\$200.00))
\$300	
20,000 or more	(((\$500.00))
\$1,000	
((Spray Painting Operation (per booth)	\$300.00
Gasoline Station	\$300.00
Dry Cleaner (per machine)	\$200.00
Landfill Gas System	\$1,000.00
Composting Facility	\$1,000.00))
Soil Thermal Desorption Unit (initial)	(((\$2,000.00))
\$3,000	
Relocation of Approved Desorption Unit to	
New Address	(((\$700.00))
\$1,000	
((Minor NOC Change not Involving a Change in Equipment	\$300.00
Relocation of Previously Permitted Portable Source to a	
New Address, except Soil Thermal Desorption	\$300.00
NOC Applicability Determination	\$100.00
Other (not classified above)	\$300.00))
Additional Charges:	
SEPA Threshold Determination	(((\$100.00))
\$250	
Air Toxics Review (under Regulation III, Section 2.07 (c)(2))	\$500((-\$0))
Air Toxics Review (under Regulation III, Section 2.07 (c)(3))	\$5,000((-\$0))
Major Source, Major Modification, or Emission	

PERMANENT

Increases greater than Prevention of Significant Deterioration Thresholds (see Regulation I, Section 6.07(d)) \$5,000~~((-00))~~

Opacity/Grain Loading Correlation (see Regulation I, Section 9.09(c)) . . . \$5,000~~((-00))~~

Emissions Units Subject to an NSPS or NESHAP (except residential wood heaters, asbestos renovation or demolition, and ~~((chromic acid anodizing, chromium electroplating, perchloroethylene dry cleaning((-or-cold solvent cleaners))))~~) \$1,000~~((-00))~~

Public Notice (plus publication fees) . . . ~~((-\$200.00))~~ \$500

~~2499, 2672, 3086, 3251, 3443, 3498, 3585, or 7641))~~

1721 Painting and Paper Hanging

2051 Bread and other Bakery Products, except Cookies and Crackers

2431 Millwork

2434 Wood Kitchen Cabinets

2491 Wood Preserving

2499 Wood Products

2672 Coated and Laminated Paper

3086 Plastics Foam Products

3251 Brick and Structural Clay Tile

3443 Fabricated Plate Work

3498 Fabricated Pipe and Pipe Fittings

3585 Air Conditioning and Warm-Air Heating Equipment, and Commercial and Industrial Refrigeration Equipment

7641 Reupholstery and Furniture Repair

AMENDATORY SECTION

REGULATION I SECTION 6.10 WORK DONE WITHOUT AN APPROVAL

Where work for which a Notice of Construction is required is commenced or performed prior to making application and receiving approval, the Control Officer may conduct an investigation as part of the Notice of Construction review. In such a case, an investigation fee, in addition to the fees of Section 6.04, shall be assessed in an amount equal to 3 times the ~~((plan examination))~~ fees of Section 6.04. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

AMENDATORY SECTION

REGULATION I SECTION 6.11 NEW SOURCE PERFORMANCE STANDARDS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 60, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, ~~((1996))~~ 1997 herein incorporated by reference.

AMENDATORY SECTION

REGULATION I SECTION 7.07 OPERATING PERMIT FEES

(a) The Agency shall levy annual operating permit fees as set forth in ~~((the 1997 Operating Permit Fee Schedule))~~ Section 7.07(b) below to cover the cost of administering the operating permit program.

(b) Upon assessment by the Agency, the following operating permit fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days.

~~((1997 OPERATING PERMIT FEE SCHEDULE))~~

(1) Facility Fees:

Operating permit sources with ~~((SIC--))~~ the following Standard Industrial Classification (SIC) codes:
~~((2911, 3241, 3312, or 9711))~~

2911 Petroleum Refining

3241 Cement, Hydraulic

3312 Steel Works, Blast Furnaces, and Rolling Mills

9711 National Security

..... \$18,000

Operating permit sources with ~~((SIC--))~~ the following SIC codes: ~~((1721, 2051, 2431, 2434, 2491,~~

..... \$3,000

Operating permit sources with ~~((SIC--))~~ the following SIC codes: 3721 Aircraft or 3728 Aircraft Parts and Auxiliary Equipment with employee population:

8,000 or greater \$18,000

1,000 through 7,999 \$6,000

less than 1,000 \$3,000

Operating permit sources with a SIC code ~~((--))~~ other than listed above \$6,000

(2) Additional Emission Fees:

~~((1995))~~ 1996 CO emission fee¹ . . . \$~~((8))~~ 10/ton

~~((1995))~~ 1996 TAC emission fee² . . . \$~~((8))~~ 10/ton

~~((1995))~~ 1996 NOx, PM₁₀, or SOx emission fee³ \$~~((25))~~ 30/ton

~~((1995))~~ 1996 ~~((NR-or))~~ VOC emission fee⁴ \$~~((25))~~ 30/ton

Continuous emission monitor fee⁵ \$1,500/monitor

¹ Required only when CO emissions equal or exceed 25 tons in ~~((1995))~~ 1996.

² Required only when individual TAC emissions equal or exceed 2 tons in ~~((1995))~~ 1996 or when total facility TAC emissions exceed ~~((5))~~ 6 tons in ~~((1995))~~ 1996.

³ Required only when NOx, PM₁₀, or SOx emissions equal or exceed 25 tons in ~~((1995))~~ 1996.

⁴ Required only when ~~((organic compounds with negligible photochemical reactivity (NR), as listed in 40 CFR 51.100 (s)(1), or))~~ VOC emissions equal or exceed 25 tons in ~~((1995))~~ 1996.

⁵ Required only of continuous emission monitors ~~((required-by))~~ subject to Section 12.02, counting each pollutant and location as a separate monitor.

~~((b))~~ (c) The agency shall, on a source-by-source basis, levy the following surcharges:

(1) for the issuance, reissuance, or renewal of an operating permit, a surcharge equal to 20% of the annual operating permit fee, not to exceed \$5,000.00.

(2) to cover the cost of public involvement under WAC 173-401-800.

PERMANENT

(3) to cover the cost incurred by the Washington State Department of Health in enforcing 40 CFR Part 61, Subpart and Chapter 246-247 WAC.

~~((e))~~ (d) The Agency shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology under WAC 173-401 to cover the Department of Ecology's program development and oversight costs.

~~((d))~~ (e) Upon assessment by the Agency, operating permit fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days.

~~((e))~~ (f) Continued payment to the Agency of the annual operating permit fee maintains the operating permit and the status of the source as an operating facility.

AMENDATORY SECTION

REGULATION I SECTION 7.09 GENERAL REPORTING REQUIREMENTS

(a) **Emission Reporting.** An emission report shall be required from each operating permit source of those air contaminants during the previous calendar year that equal or exceed the following (tons/year):

- carbon monoxide (CO) emissions 25
- facility-combined total of all toxic air contaminant (TAC) emissions ~~(5)~~ 6
- any single toxic air contaminant (TAC) emissions . 2
- nitrogen oxide (NOx) emissions 25
- particulate matter (PM₁₀) emissions 25
- sulfur oxide (SOx) emissions 25
- volatile organic compounds (VOC) emissions . . . 25

Annual emission rates shall be reported to the nearest whole tons per year for only those air contaminants that equal or exceed the thresholds above.

(b) **Operation and Maintenance Plan.** Owners or operators of air contaminant sources subject to Regulation I Article 7 shall develop and implement an operation and maintenance plan to assure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

- (1) Periodic inspection of all equipment and control equipment;
- (2) Monitoring and recording of equipment and control equipment performance;
- (3) Prompt repair of any defective equipment or control equipment;
- (4) Procedures for start up, shut down, and normal operation;
- (5) The control measures to be employed to assure compliance with Section 9.15 of Regulation I; and
- (6) A record of all actions required by the plan.

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.

AMENDATORY SECTION

REGULATION III SECTION 2.02 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 61 or Part 63, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, ~~((4996))~~ 1997 herein incorporated by reference.

**WSR 97-21-004
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed October 1, 1997, 4:20 p.m.]**

Date of Adoption: October 1, 1997.

Purpose: To repeal certain property tax rules which merely repeat statutes or a part of the Constitution; to repeal rules that are based on statutes that have since been repealed; and to repeal rules that are covered in other, more current rules.

WAC 458-12-130 Situs of personalty—Migratory stock, the statute on which this rule is based, RCW 84.44.070, was repealed in 1991 (section 43, chapter 245, Laws of 1991).

WAC 458-12-185 Listing of property—Public lands—Airports, bridges . . . , this rule merely repeats the statutes (RCW 84.36.130, 84.36.230, 84.36.010).

WAC 458-12-340 Assessment and evaluation—Property assessed as of January 1, this rule merely repeats the statute (RCW 84.40.030).

WAC 458-12-341 100% assessment ratio, this rule merely repeats the statute (RCW 84.40.030).

WAC 458-12-345 Assessment and evaluation—Reforestation lands, this statute on which this rule was based, RCW 84.28.070, was repealed in 1994 (section 1, chapter 122, Laws of 1994).

WAC 458-12-355 Assessment and evaluation—Assessment of classes of property to be uniform within the taxing district, this rule merely repeats statutes and the state Constitution.

WAC 458-12-365 Levy, 458-12-370 Levy—Duty of assessor, 458-12-375 Levy—Prorating 40 mill law, and 458-12-385 State levy, these are covered in the levy rules, chapter 458-19 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-12-130 Situs of personalty—Migratory stock, 458-12-185 Listing of property—Public lands—Airports, bridges . . . , 458-12-340 Assessment and evaluation—Property assessed as of January 1, 458-12-341 100% assessment ratio, 458-12-345 Assessment and evaluation—Reforestation lands, 458-12-355 Assessment and evaluation—Assessment of classes of property to be uniform within the taxing district, 458-12-365 Levy, 458-12-370 Levy—Duty of assessor, 458-12-375 Levy—Prorating 40 mill law, and 458-12-385 State levy.

Statutory Authority for Adoption: RCW 84.08.070.

Adopted under preproposal statement of inquiry filed as WSR 97-14-043 on June 27, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal

PERMANENT

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 10.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 1, 1997

Russell W. Brubaker
Assistant Director

WSR 97-21-005

PERMANENT RULES

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed October 1, 1997, 4:30 p.m.]

Date of Adoption: October 1, 1997.

Purpose: To outline conditions and procedures under which state funds will be made available for Head Start programs.

Citation of Existing Rules Affected by this Order: Amending chapter 365-40 WAC.

Statutory Authority for Adoption: RCW 43.06.110, 43.330.040 (2)(g).

Adopted under notice filed as WSR 97-15-106 on July 21, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 1, 1997

Ann Bariekman
Rules Coordinator

AMENDATORY SECTION (Amending Order 85-03, filed 6/7/85)

WAC 365-40-010 Purpose and authority. (1) The purpose of this chapter is to outline the conditions and procedures under which state funds will be made available for Head Start programs.

(2) This activity is undertaken pursuant to RCW 43.06.110 and chapter ~~((43-63A))~~ 43.330 RCW.

AMENDATORY SECTION (Amending Order 89-04, filed 10/16/89, effective 11/16/89)

WAC 365-40-020 Definitions. (1) "Applicant" means a public or private nonsectarian organization which receives federal Head Start funds.

(2) "Contractor" means an applicant which has been allocated state Head Start funds under the ~~((state))~~ Head Start state match program.

(3) "Department" means the department of community, trade and economic development.

(4) "Director" means the director of the department of community, trade and economic development.

(5) "Head Start program" means an operation undertaken in accordance with the program performance standards set forth in the ~~((*oed-hs-head-start-policy-manual* (OCD Notice N-30-364-4) "Head Start program performance standards," published by the United States Department of Health, Education, and Welfare July 1975))~~ federal Head Start Act as amended and relevant federal regulations.

AMENDATORY SECTION (Amending Order 89-04, filed 10/16/89, effective 11/16/89)

WAC 365-40-041 Financial support application process. (1) Each potential applicant will be notified by the department that application for ~~((state))~~ Head Start state match financial assistance is to be made to the department.

(2) An applicant must make formal application in the form and manner specified by the department. Failure of an applicant to make application in the specified time will result in no ~~((state))~~ Head Start state match funds being allocated.

(3) Applications for ~~((state))~~ Head Start state match financial assistance shall contain a description of the services to be provided with ~~((state))~~ Head Start state match funds.

(4) The department shall provide a contract for signature to the applicant or a request for additional information.

AMENDATORY SECTION (Amending Order 89-04, filed 10/16/89, effective 11/16/89)

WAC 365-40-051 Eligibility criteria. In order to receive ~~((state))~~ Head Start state match funds, a contractor must currently be receiving federal funds to operate a Head Start program. ~~((State))~~ Head Start state match funds may be used only for activities which result in direct and measurable services to Head Start program children. The department shall determine the formula for distribution of state funds based on ~~((current))~~ federal enrollment levels at the time of funding.

AMENDATORY SECTION (Amending Order 89-04, filed 10/16/89, effective 11/16/89)

WAC 365-40-071 Method of payment and reporting requirements. (1) ~~((State))~~ Head Start state match funds will be paid in accordance with the provisions of the applicable contract and these regulations.

(2) Reports to the department to assure that funds are being expended for purposes authorized in the approved contract are required in a format approved by the department.

(3) The contractor ~~((at time of application, and annually thereafter,))~~ shall submit annually a current report of the audit of funds conducted by an independent auditor or office of state auditor ~~((and resolution of findings provided under this rule. Standard accepted auditing techniques shall be used))~~ in accordance with generally accepted auditing standards. Such audit may be that conducted for and provided to other funding sources. ~~((This))~~ The audit report must ~~((include a breakdown of))~~ identify state funds by contract number. Responses to any unresolved management findings and disallowed or questioned costs shall be included with the audit report.

WSR 97-21-006

PERMANENT RULES

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed October 1, 1997, 4:33 p.m.]

Date of Adoption: October 1, 1997.

Purpose: Repeal rules regarding border area funding allocation that conflict with after-enacted statutes.

Citation of Existing Rules Affected by this Order: Amending [repealing] WAC 365-90-010, 365-90-020, 365-90-040, 365-90-080, and 365-90-090.

Statutory Authority for Adoption: RCW 43.330.040 (2)(g).

Adopted under notice filed as WSR 97-15-107 on July 21, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 5.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 1, 1997
Ann Bariekman
Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 365-90-010 Declaration of public policy.
- WAC 365-90-020 Definitions.
- WAC 365-90-040 Allocation of funds.
- WAC 365-90-080 Unexpended funds.
- WAC 365-90-090 Annual review.

WSR 97-21-022

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed October 7, 1997, 9:21 a.m.]

Date of Adoption: October 7, 1997.

Purpose: To repeal an excise tax rule that simply explains that the real estate conveyance tax program was repealed effective May 18, 1987. This rule provides no important tax reporting information or instructions.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-20-184 Tax on conveyances repealed.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under preproposal statement of inquiry filed as WSR 97-14-042 on June 27, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 6, 1997
Russell W. Brubaker
Assistant Director

WSR 97-21-030

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 95-16—Filed October 10, 1997, 9:07 a.m.]

Date of Adoption: October 9, 1997.

Purpose: Implement changes to the State Environmental Policy Act (SEPA), chapter 43.21C RCW as mandated by chapter 347, Laws of 1995 (ESHB 1724). These statutory changes require amending the SEPA rules, chapter 197-11 WAC, to better integrate the requirements of SEPA with the requirements of the Growth Management Act, chapter 36.70A RCW. Note: RCW 36.70B.110, which also affects the SEPA rules, was amended twice during the 1997

PERMANENT

legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025. This rule filing does not attempt to resolve conflicts between the two. This primarily affects new section WAC 197-11-355, which was not revised to incorporate changes otherwise authorized by one of the two amending bills relating to issuing a determination of nonsignificance in conjunction with a notice of application.

Citation of Existing Rules Affected by this Order: Amending WAC 197-11-055, 197-11-060, 197-11-070, 197-11-210, 197-11-259, 197-11-300, 197-11-310, 197-11-315, 197-11-330, 197-11-340, 197-11-390, 197-11-408, 197-11-502, 197-11-508, 197-11-535, 197-11-600, 197-11-660, 197-11-680, 197-11-702, 197-11-728, 197-11-790, 197-11-800, 197-11-912, 197-11-914, 197-11-938, 197-11-940, 197-11-948, and 197-11-970.

Statutory Authority for Adoption: Chapter 347, Laws of 1995 (ESHB 1724), RCW 43.21C.110.

Adopted under notice filed as WSR 97-15-129 on June [July] 23, 1997.

Changes Other than Editing from Proposed to Adopted Version: (1) Made minor changes in WAC 197-11-158 clarifying the process for using this section and requiring public notice on DNS forms;

(2) Added a new sentence to WAC 197-11-310 to include a change from the 1997 legislative session regarding lead agencies as project proponents, and deleted a reference that was the subject of the double amendment from the 1997 session noted in the "purpose" section above;

(3) Clarified how the optional DNS process will work in new section WAC 197-11-355; and

(4) Revised WAC 197-11-680 (appeals) to conform with ESB 6094 from 1997 legislative session.

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 8, amended 28, 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 8, amended 28, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 8, amended 28, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 9, 1997
Tom Fitzsimmons
Director

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-055 Timing of the SEPA process. (1) **Integrating SEPA and agency activities.** The SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions

reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.

(2) **Timing of review of proposals.** The lead agency shall prepare its threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the planning and decision-making process, when the principal features of a proposal and its environmental impacts can be reasonably identified.

(a) A proposal exists when an agency is presented with an application or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal *and* the environmental effects can be meaningfully evaluated.

(i) The fact that proposals may require future agency approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.

(ii) Preliminary steps or decisions are sometimes needed before an action is sufficiently definite to allow meaningful environmental analysis.

(b) Agencies shall identify the times at which the environmental review shall be conducted either in their procedures or on a case-by-case basis. Agencies may also organize environmental review in phases, as specified in WAC 197-11-060(5).

(c) Appropriate consideration of environmental information shall be completed before an agency commits to a particular course of action (WAC 197-11-070).

(d) A GMA county/city is subject to additional timing requirements (see WAC 197-11-310).

(3) **Applications and rule making.** The timing of environmental review for applications and for rule making shall be as follows:

(a) At the latest, the lead agency shall begin environmental review, if required, when an application is complete. The lead agency may initiate review earlier and may have informal conferences with applicants. A final threshold determination or FEIS shall normally precede or accompany the final staff recommendation, if any, in a quasi-judicial proceeding on an application. Agency procedures shall specify the type and timing of environmental documents that shall be submitted to planning commissions and similar advisory bodies (WAC 197-11-906).

(b) For rule making, the DNS or DEIS shall normally accompany the proposed rule. An FEIS, if any, shall be issued at least seven days before adoption of a final rule (WAC 197-11-460(4)).

(4) **Applicant review at conceptual stage.** In general, agencies should adopt procedures for environmental review and for preparation of EISs on private proposals at the conceptual stage rather than the final detailed design stage.

(a) If an agency's only action is a decision on a building permit or other license that requires detailed project plans and specifications, agencies shall provide applicants with the opportunity(ies) for environmental review under SEPA prior to requiring applicants to submit such detailed project plans and specifications.

(b) Agencies may specify the amount of detail needed from applicants for such early environmental review, consistent with WAC 197-11-100 and 197-11-335, in their SEPA or permit procedures.

(c) This subsection does not preclude agencies or applicants from preliminary discussions or exploration of ideas and options prior to commencing formal environmental review.

(5) An overall decision to proceed with a course of action may involve a series of actions or decisions by one or more agencies. If several agencies have jurisdiction over a proposal, they should coordinate their SEPA processes wherever possible. The agencies shall comply with lead agency determination requirements in WAC 197-11-050 and 197-11-922.

(6) To meet the requirement to insure that environmental values and amenities are given appropriate consideration along with economic and technical considerations, environmental documents and analyses shall be circulated and reviewed with other planning documents to the fullest extent possible.

(7) For their own public proposals, lead agencies may extend the time limits prescribed in these rules.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-060 Content of environmental review.

(1) Environmental review consists of the range of proposed activities, alternatives, and impacts to be analyzed in an environmental document, in accordance with SEPA's goals and policies. This section specifies the content of environmental review common to *all* environmental documents required under SEPA.

(2) The content of environmental review:

(a) Depends on each particular proposal, on an agency's existing planning and decision-making processes, and on the time when alternatives and impacts can be most meaningfully evaluated;

(b) For the purpose of deciding whether an EIS is required, is specified in the environmental checklist, in WAC 197-11-330 and 197-11-444;

(c) For an environmental impact statement, is considered its "scope" (WAC 197-11-792 and Part Four of these rules);

(d) For any supplemental environmental review, is specified in Part Six.

(3) Proposals.

(a) Agencies shall make certain that the proposal that is the subject of environmental review is properly defined.

(i) Proposals include public projects or proposals by agencies, proposals by applicants, if any, and proposed actions and regulatory decisions of agencies in response to proposals by applicants.

(ii) A proposal by a lead agency or applicant may be put forward as an objective, as several alternative means of accomplishing a goal, or as a particular or preferred course of action.

(iii) Proposals should be described in ways that encourage considering and comparing alternatives. Agencies are encouraged to describe public or nonproject proposals in terms of objectives rather than preferred solutions. A proposal could be described, for example, as "reducing flood damage and achieving better flood control by one or a combination of the following means: Building a new dam; maintenance dredging; use of shoreline and land use controls; purchase of floodprone areas; or relocation assistance."

(b) Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action shall be evaluated in the same environmental document. (Phased review is allowed under subsection (5)). Proposals or parts of proposals are closely related, and they shall be discussed in the same environmental document, if they:

(i) Cannot or will not proceed unless the other proposals (or parts of proposals) are implemented simultaneously with them; or

(ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.

(c) **(Optional)** Agencies may wish to analyze "similar actions" in a single environmental document.

(i) Proposals are similar if, when viewed with other reasonably foreseeable actions, they have common aspects that provide a basis for evaluating their environmental consequences together, such as common timing, types of impacts, alternatives, or geography. This section does not require agencies or applicants to analyze similar actions in a single environmental document or require applicants to prepare environmental documents on proposals other than their own.

(ii) When preparing environmental documents on similar actions, agencies may find it useful to define the proposals in one of the following ways: (A) Geographically, which may include actions occurring in the same general location, such as a body of water, region, or metropolitan area; or (B) generically, which may include actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, environmental media, or subject matter.

(4) Impacts.

(a) SEPA's procedural provisions require the consideration of "environmental" impacts (see definition of "environment" in WAC 197-11-740 and of "impacts" in WAC 197-11-752), with attention to impacts that are likely, not merely speculative. (See definition of "probable" in WAC 197-11-782 and 197-11-080 on incomplete or unavailable information.)

(b) In assessing the significance of an impact, a lead agency shall not limit its consideration of a proposal's impacts only to those aspects within its jurisdiction, including local or state boundaries (see WAC 197-11-330(3) also).

(c) Agencies shall carefully consider the range of probable impacts, including short-term and long-term effects. Impacts shall include those that are likely to arise or exist over the lifetime of a proposal or, depending on the particular proposal, longer.

(d) A proposal's effects include direct and indirect impacts caused by a proposal. Impacts include those effects resulting from growth caused by a proposal, as well as the likelihood that the present proposal will serve as a precedent for future actions. For example, adoption of a zoning ordinance will encourage or tend to cause particular types of projects or extension of sewer lines would tend to encourage development in previously unsewered areas.

(e) The range of impacts to be analyzed in an EIS (direct, indirect, and cumulative impacts, WAC 197-11-792) may be wider than the impacts for which mitigation measures are required of applicants (WAC 197-11-660). This

will depend upon the specific impacts, the extent to which the adverse impacts are attributable to the applicant's proposal, and the capability of applicants or agencies to control the impacts in each situation.

(5) Phased review.

(a) Lead agencies shall determine the appropriate scope and level of detail of environmental review to coincide with meaningful points in their planning and decision-making processes. (See WAC 197-11-055 on timing of environmental review.)

(b) Environmental review may be phased. If used, phased review assists agencies and the public to focus on issues that are ready for decision and exclude from consideration issues already decided or not yet ready. Broader environmental documents may be followed by narrower documents, for example, that incorporate prior general discussion by reference and concentrate solely on the issues specific to that phase of the proposal.

(c) Phased review is appropriate when:

(i) The sequence is from a nonproject document to a document of narrower scope such as a site specific analysis (see, for example, WAC 197-11-443); or

(ii) The sequence is from an environmental document on a specific proposal at an early stage (such as need and site selection) to a subsequent environmental document at a later stage (such as sensitive design impacts).

(d) Phased review is not appropriate when:

(i) The sequence is from a narrow project document to a broad policy document;

(ii) It would merely divide a larger system into exempted fragments or avoid discussion of cumulative impacts; or

(iii) It would segment and avoid present consideration of proposals and their impacts that are required to be evaluated in a single environmental document under WAC 197-11-060 ~~((4))~~ (3)(b) or 197-11-305(1); however, the level of detail and type of environmental review may vary with the nature and timing of proposals and their component parts.

(e) When a lead agency knows it is using phased review, it shall so state in its environmental document.

(f) Agencies shall use the environmental checklist, scoping process, nonproject EISs, incorporation by reference, adoption, and supplemental EIS~~((s))~~, and addenda, as appropriate, to avoid duplication and excess paperwork.

(g) Where proposals are related to a large existing or planned network, such as highways, streets, pipelines, or utility lines or systems, the lead agency may analyze in detail the overall network as the present proposal or may select some of the future elements for present detailed consideration. Any phased review shall be logical in relation to the design of the overall system or network, and shall be consistent with this section and WAC 197-11-070.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-070 Limitations on actions during SEPA process. (1) Until the responsible official issues a final determination of nonsignificance or final environmental impact statement, no action concerning the proposal shall be taken by a governmental agency that would:

(a) Have an adverse environmental impact; or

(b) Limit the choice of reasonable alternatives.

(2) In addition, certain DNSs require a ~~((fifteen))~~ fourteen-day period prior to agency action (WAC 197-11-340(2)), and FEISs require a seven-day period prior to agency action (WAC 197-11-460(4)).

(3) In preparing environmental documents, there may be a need to conduct studies that may cause nonsignificant environmental impacts. If such activity is not exempt under WAC 197-11-800(18), the activity may nonetheless proceed if a checklist is prepared and appropriate mitigation measures taken.

(4) This section does not preclude developing plans or designs, issuing requests for proposals (RFPs), securing options, or performing other work necessary to develop an application for a proposal, as long as such activities are consistent with subsection (1).

NEW SECTION

WAC 197-11-158 GMA project review—Reliance on existing plans, laws, and regulations. (1) In reviewing the environmental impacts of a project and making a threshold determination, a GMA county/city may, at its option, determine that the requirements for environmental analysis, protection, and mitigation measures in the GMA county/city's development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, provide adequate analysis of and mitigation for some or all of the specific adverse environmental impacts of the project.

(2) In making the determination under subsection (1) of this section, the GMA county/city shall:

(a) Review the environmental checklist and other information about the project;

(b) Identify the specific probable adverse environmental impacts of the project and determine whether the impacts have been:

(i) Identified in the comprehensive plan, subarea plan, or applicable development regulations through the planning and environmental review process under chapter 36.70A RCW or this chapter, or in other local, state, or federal rules or laws; and

(ii) Adequately addressed in the comprehensive plan, subarea plan, applicable development regulations, or other local, state, or federal rules or laws by:

(A) Avoiding or otherwise mitigating the impacts; or

(B) The legislative body of the GMA county/city designating as acceptable the impacts associated with certain levels of service, land use designations, development standards, or other land use planning required or allowed by chapter 36.70A RCW;

(c) Base or condition approval of the project on compliance with the requirements or mitigation measures in the comprehensive plan, subarea plan, applicable development regulations, or other local, state, or federal rules or laws; and

(d) Place the following statement in the threshold determination if all of a project's impacts are addressed by other applicable laws and no conditions will be required under SEPA: "The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted

under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA."

(3) Project specific impacts that have not been adequately addressed as described in subsection (2) of this section might be probable significant adverse environmental impacts requiring additional environmental review. Examples of project specific impacts that may not have been adequately addressed include, but are not limited to, impacts resulting from changed conditions, impacts indicated by new information, impacts not reasonably foreseeable in the GMA planning process, or impacts specifically reserved in a plan EIS for project review.

(4) In deciding whether a project specific adverse environmental impact has been adequately addressed by an existing rule or law of another agency with jurisdiction, the GMA county/city shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the GMA county/city shall base or condition its project approval on compliance with these other existing rules or laws.

(5) If a GMA county/city's comprehensive plan, subarea plan, or development regulations adequately address some or all of a project's probable specific adverse environmental impacts, as determined under subsections (1) and (2) of this section, the GMA county/city shall not require additional mitigation under this chapter for those impacts.

(6) In making the determination in subsection (1) of this section, nothing in this section requires review of the adequacy of the environmental analysis associated with the comprehensive plans and development regulations that are being relied upon to make that determination.

NEW SECTION

WAC 197-11-164 Planned actions—Definition and criteria. (1) Under RCW 43.21C.031, GMA counties/cities may designate a planned action. A planned action means one or more types of project action that:

(a) Are designated planned actions by an ordinance or resolution adopted by a GMA county/city;

(b) Have had the significant environmental impacts adequately addressed in an EIS prepared in conjunction with:

(i) A comprehensive plan or subarea plan adopted under chapter 36.70A RCW; or

(ii) A fully contained community, a master planned resort, a master planned development, or a phased project;

(c) Are subsequent or implementing projects for the proposals listed in (b) of this subsection;

(d) Are located within an urban growth area, as defined in RCW 36.70A.030, or are located within a master planned resort;

(e) Are not essential public facilities, as defined in RCW 36.70A.200; and

(f) Are consistent with a comprehensive plan adopted under chapter 36.70A RCW.

(2) A GMA county/city shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the GMA county/city.

(3) A GMA county/city may limit a planned action to a time period identified in the EIS or the designating ordinance or resolution adopted under WAC 197-11-168.

NEW SECTION

WAC 197-11-168 Ordinances or resolutions designating planned actions—Procedures for adoption. (1) If a GMA county/city chooses to designate a planned action, the planned action must be designated by ordinance or resolution. Public notice and opportunity for public comment shall be provided as part of the agency's process for adopting the ordinance or resolution.

(2) The ordinance or resolution:

(a) Shall describe the type(s) of project action being designated as a planned action;

(b) Shall describe how the planned action meets the criteria in WAC 197-11-164 (including specific reference to the EIS that addresses any significant environmental impacts of the planned action);

(c) Shall include a finding that the environmental impacts of the planned action have been identified and adequately addressed in the EIS, subject to project review under WAC 197-11-172; and

(d) Should identify any specific mitigation measures other than applicable development regulations that must be applied to a project for it to qualify as the planned action.

(3) If the GMA county/city has not limited the planned action to a specific time period identified in the EIS, it may do so in the ordinance or resolution designating the planned action.

(4) The GMA county/city is encouraged to provide a periodic review and update procedure for the planned action to monitor implementation and consider changes as warranted.

NEW SECTION

WAC 197-11-172 Planned actions—Project review.

(1) Review of a project proposed as a planned action is intended to be simpler and more focused than for other projects. A project proposed as a planned action must qualify as the planned action designated in the planned action ordinance or resolution, and must meet the statutory criteria for a planned action in RCW 43.21C.031. Planned action project review shall include:

(a) Verification that the project meets the description in, and will implement any applicable conditions or mitigation measures identified in, the designating ordinance or resolution; and

(b) Verification that the probable significant adverse environmental impacts of the project have been adequately addressed in the EIS prepared under WAC 197-11-164 (1)(b) through review of an environmental checklist or other project review form as specified in WAC 197-11-315, filed with the project application.

(2)(a) If the project meets the requirements of subsection (1) of this section, the project shall qualify as the planned action designated by the GMA county/city, and a project threshold determination or EIS is not required. Nothing in this section limits a GMA county/city from using this chapter or other applicable law to place conditions on the project in order to mitigate nonsignificant impacts

through the normal local project review and permitting process.

(b) If the project does not meet the requirements of subsection (1) of this section, the project is not a planned action and a threshold determination is required. In conducting the additional environmental review under this chapter, the lead agency may use information in existing environmental documents, including the EIS used to designate the planned action (refer to WAC 197-11-330 (2)(a) and 197-11-600 through 197-11-635). If an EIS or SEIS is prepared on the proposed project, its scope is limited to those probable significant adverse environmental impacts that were not adequately addressed in the EIS used to designate the planned action.

(3) Public notice for projects that qualify as planned actions shall be tied to the underlying permit. If notice is otherwise required for the underlying permit, the notice shall state that the project has qualified as a planned action. If notice is not otherwise required for the underlying permit, no special notice is required. However, the GMA county/city is encouraged to provide some form of public notice as deemed appropriate.

AMENDATORY SECTION (Amending Order 94-22, filed 3/6/95, effective 4/6/95)

WAC 197-11-210 SEPA/GMA integration. (1) The purpose of WAC 197-11-210 through 197-11-235 is to ~~(+)~~ authorize GMA counties/cities ~~((and counties))~~ to integrate the requirements of SEPA and the Growth Management Act (GMA) to ensure that environmental analyses under SEPA can occur concurrently with and as an integral part of the planning and decision making under GMA. Nothing in these sections is intended to jeopardize the adequacy or require the revision of any SEPA or GMA processes, analyses or document deadlines specified in GMA.

(2) GMA counties/cities ~~((and counties))~~ may use the procedures of these rules to satisfy the requirements of SEPA for GMA actions. Other jurisdictions planning under GMA may also use these integration procedures.

(3) Environmental analysis at each stage of the GMA planning process should, at a minimum, address the environmental impacts associated with planning decisions at that stage of the planning process. Impacts associated with later planning stages may also be addressed. Environmental analysis that analyzes environmental impacts in the GMA planning process can:

(a) Result in better-informed GMA planning decisions;
(b) Avoid delays, duplication and paperwork in project-level environmental analysis; and

(c) Narrow the scope of environmental review and mitigation under SEPA at the project level.

NEW SECTION

WAC 197-11-238 Monitoring. Monitoring information is important to maintain the usefulness of the environmental analysis in plans and development regulations for project-level review and to update plans under chapter 36.70A RCW. GMA counties/cities are encouraged to establish a process for monitoring the cumulative impacts of permit decisions and conditions, and to use that data to

update the information about existing conditions for the built and natural environment. If a monitoring process is developed, it should be established at the time information on existing conditions is developed. Annual or periodic reports summarizing the data and documenting trends are encouraged.

AMENDATORY SECTION (Amending Order 94-22, filed 3/31/95, effective 5/1/95)

WAC 197-11-259 Determination of nonsignificance for MTCA remedial action. (1) If the remedial action will not have a probable significant adverse environmental impact, a DNS shall be issued no earlier than the RI/FS and no later than the draft cleanup action plan. If the lead agency made a preliminary decision under WAC 197-11-256 (1)(a) that a DS was unlikely, prior to issuing a DNS the responsible official shall consider any additional information about adverse environmental impacts generated during the RI/FS process.

(2) The public comment period on the DNS shall be the same as the comment period on the MTCA document, provided that for proposals listed in WAC 197-11-340 (2)(a) the comment period is no less than ~~((fifteen))~~ fourteen days prior to the effective date of the MTCA document. One public notice shall be used to announce the availability of both the DNS and MTCA document, consistent with the requirements of WAC 173-340-600 and 197-11-340.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-300 Purpose of this part. This part provides rules for:

(1) Administering categorical exemptions for proposals that would not have probable significant adverse impacts;

(2) Deciding whether a proposal has a probable significant adverse impact and thus requires an EIS (the threshold determination);

(3) Providing a way to review and mitigate nonexempt proposals through the threshold determination; ~~((and))~~

(4) Integrating the environmental analysis required by SEPA into early planning to ensure appropriate consideration of SEPA's policies and to eliminate duplication and delay; and

(5) Integrating the environmental analysis required by SEPA into the project review process.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-310 Threshold determination required. (1) A threshold determination is required for any proposal which meets the definition of action and is not categorically exempt, subject to the limitations in WAC 197-11-600(3) concerning proposals for which a threshold determination has already been issued. A threshold determination is not required for a planned action (refer to WAC 197-11-164 through 197-11-172).

(2) The responsible official of the lead agency shall make the threshold determination, which shall be made as close as possible to the time an agency has developed or is presented with a proposal (WAC 197-11-784). If the lead

agency is a GMA county/city, that agency must meet the timing requirements in subsection (6) of this section.

~~(3) (In most cases, the time to complete a threshold determination should not exceed fifteen days. Complex proposals, those where additional information is needed, and/or those accompanied by an inaccurate checklist may require additional time. Upon request by an applicant, the responsible official shall select a date for making the threshold determination and notify the applicant of such date in writing.~~

(4)) The responsible official shall make a threshold determination no later than ninety days after the application and supporting documentation are determined to be complete. The applicant may request an additional thirty days for the threshold determination (RCW 43.21C.033).

(4) The time limit in subsection (3) of this section shall not apply to a county/city that:

(a) By ordinance adopted prior to April 1, 1992, has adopted procedures to integrate permit and land use decisions with SEPA requirements; or

(b) Is planning under RCW 36.70A.040 (GMA) and is subject to the requirements of subsection (6) of this section.

(5) All threshold determinations shall be documented in:

(a) A determination of nonsignificance (DNS) (WAC 197-11-340); or

(b) A determination of significance (DS) (WAC 197-11-360).

(6) When a GMA county/city with an integrated project review process under RCW 36.70B.060 is lead agency for a project, the following timing requirements apply:

(a) If a DS is made concurrent with the notice of application, the DS and scoping notice shall be combined with the notice of application (RCW 36.70B.110). Nothing in this subsection prevents the DS/scoping notice from being issued before the notice of application. If sufficient information is not available to make a threshold determination when the notice of application is issued, the DS may be issued later in the review process.

(b) Nothing in this section prevents a lead agency, when it is a project proponent or is funding a project, from conducting its review under SEPA or from allowing appeals of procedural determinations prior to submitting a project permit application.

(c) If an open record predecision hearing is required, the threshold determination shall be issued at least fifteen days before the open record predecision hearing (RCW 36.70B.110 (6)(b)).

(d) The optional DNS process in WAC 197-11-355 may be used to indicate on the notice of application that the lead agency is likely to issue a DNS. If this optional process is used, a separate comment period on the DNS may not be required (refer to WAC 197-11-355(4)).

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-315 Environmental checklist. (1) Agencies(~~(-~~

~~(a)) shall use the environmental checklist substantially in the form found in WAC 197-11-960 to assist in making threshold determinations for proposals, except for:~~

~~(a) Public proposals on which the lead agency has decided to prepare its own EIS(~~(-);~~ or~~

~~(b) Proposals on which the lead agency and applicant agree an EIS will be prepared; or~~

~~(c) Projects which are proposed as planned actions (see subsection (2) of this section).~~

~~((b)) (2) For projects submitted as planned actions under WAC 197-11-164, a GMA county/city shall use the existing environmental checklist or modify the environmental checklist form to fulfill the purposes outlined in WAC 197-11-172(1), notwithstanding the requirements of WAC 197-11-906(4).~~

If the GMA county/city chooses to modify the existing environmental checklist, the modified form shall be submitted to the department of ecology to allow at least a thirty-day review prior to use. The department shall notify the GMA county/city within thirty days of receipt if it has any objections to the modified form and the general nature of the objections. If the department objects, the modified form shall not be used until the GMA county/city and the department have reached agreement.

(3) Agencies may use an environmental checklist whenever it would assist in their planning and decision making, but shall (~~not~~) only require an applicant to prepare a checklist under SEPA(~~, unless~~) if a checklist is required by subsection (1)(~~(a))~~ of this section.

~~((2)) (4) The lead agency shall prepare the checklist or require an applicant to prepare the checklist.~~

~~((3)) (5) The items in the environmental checklist are not weighted. The mention of one or many adverse environmental impacts does not necessarily mean that the impacts are significant. Conversely, a probable significant adverse impact on the environment may result in the need for an EIS.~~

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-330 Threshold determination process. An EIS is required for proposals for legislation and other major actions significantly affecting the quality of the environment. The lead agency decides whether an EIS is required in the threshold determination process, as described below.

(1) In making a threshold determination, the responsible official shall:

(a) Review the environmental checklist, if used:

(i) Independently evaluating the responses of any applicant and indicating the result of its evaluation in the DS, in the DNS, or on the checklist; and

(ii) Conducting its initial review of the environmental checklist and any supporting documents without requiring additional information from the applicant.

(b) Determine if the proposal is likely to have a probable significant adverse environmental impact, based on the proposed action, the information in the checklist (WAC 197-11-960), and any additional information furnished under WAC 197-11-335 and 197-11-350; and

(c) Consider mitigation measures which an agency or the applicant will implement as part of the proposal, including any mitigation measures required by development

regulations, comprehensive plans, or other existing environmental rules or laws.

(2) In making a threshold determination, the responsible official should determine whether:

(a) All or part of the proposal, alternatives, or impacts have been analyzed in a previously prepared environmental document, which can be adopted or incorporated by reference (see Part Six).

(b) Environmental analysis would be more useful or appropriate in the future in which case, the agency shall commit to timely, subsequent environmental review, consistent with WAC 197-11-055 through 197-11-070 and Part Six.

(3) In determining an impact's significance (WAC 197-11-794), the responsible official shall take into account the following, that:

(a) The same proposal may have a significant adverse impact in one location but not in another location;

(b) The absolute quantitative effects of a proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment;

(c) Several marginal impacts when considered together may result in a significant adverse impact;

(d) For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted or values cannot be quantified.

(e) A proposal may to a significant degree:

(i) Adversely affect environmentally sensitive or special areas, such as loss or destruction of historic, scientific, and cultural resources, parks, prime farmlands, wetlands, wild and scenic rivers, or wilderness;

(ii) Adversely affect endangered or threatened species or their habitat;

(iii) Conflict with local, state, or federal laws or requirements for the protection of the environment; and

(iv) Establish a precedent for future actions with significant effects, involves unique and unknown risks to the environment, or may affect public health or safety.

(4) If after following WAC 197-11-080 and 197-11-335 the lead agency reasonably believes that a proposal may have a significant adverse impact, an EIS is required.

(5) A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in this section. For example, proposals designed to improve the environment, such as sewage treatment plants or pollution control requirements, may also have significant adverse environmental impacts.

AMENDATORY SECTION (Amending Order 94-22, filed 3/6/95, effective 4/6/95)

WAC 197-11-340 Determination of nonsignificance (DNS). (1) If the responsible official determines there will be no probable significant adverse environmental impacts from a proposal, the lead agency shall prepare and issue a determination of nonsignificance (DNS) substantially in the form provided in WAC 197-11-970. If an agency adopts another environmental document in support of a threshold determination (Part Six), the notice of adoption (WAC 197-

11-965) and the DNS shall be combined or attached to each other.

(2) When a DNS is issued for any of the proposals listed in (2)(a), the requirements in this subsection shall be met. The requirements of this subsection do not apply to a DNS issued when the optional DNS process in WAC 197-11-355 is used.

(a) An agency shall not act upon a proposal for (~~fifteen~~) fourteen days after the date of issuance of a DNS if the proposal involves:

(i) Another agency with jurisdiction;

(ii) Demolition of any structure or facility not exempted by WAC 197-11-800 (2)(f) or 197-11-880;

(iii) Issuance of clearing or grading permits not exempted in Part Nine of these rules;

(iv) A DNS under WAC 197-11-350 (2), (3) or 197-11-360(4); or

(v) A GMA action.

(b) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the department of ecology, and affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, and shall give notice under WAC 197-11-510.

(c) Any person, affected tribe, or agency may submit comments to the lead agency within (~~fifteen~~) fourteen days of the date of issuance of the DNS.

(d) The date of issue for the DNS is the date the DNS is sent to the department of ecology and agencies with jurisdiction and is made publicly available.

(e) An agency with jurisdiction may assume lead agency status only within this (~~fifteen~~) fourteen-day period (WAC 197-11-948).

(f) The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines that significant adverse impacts are likely, withdraw the DNS or supporting documents. When a DNS is modified, the lead agency shall send the modified DNS to agencies with jurisdiction.

(3)(a) The lead agency shall withdraw a DNS if:

(i) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;

(ii) There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; or

(iii) The DNS was procured by misrepresentation or lack of material disclosure; if such DNS resulted from the actions of an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the lead agency or its consultant at the expense of the applicant.

(b) Subsection (3)(a)(ii) shall not apply when a nonexempt license has been issued on a private project.

(c) If the lead agency withdraws a DNS, the agency shall make a new threshold determination and notify other agencies with jurisdiction of the withdrawal and new threshold determination. If a DS is issued, each agency with jurisdiction shall commence action to suspend, modify, or revoke any approvals until the necessary environmental review has occurred (see also WAC 197-11-070).

NEW SECTION

WAC 197-11-355 Optional DNS process. (1) If a GMA county/city with an integrated project review process (RCW 36.70B.060) is lead agency for a proposal and has a reasonable basis for determining significant adverse environmental impacts are unlikely, it may use a single integrated comment period to obtain comments on the notice of application and the likely threshold determination for the proposal. If this process is used, a second comment period will typically not be required when the DNS is issued (refer to subsection (4) of this section).

(2) If the lead agency uses the optional process specified in subsection (1) of this section, the lead agency shall:

(a) State on the first page of the notice of application that it expects to issue a DNS for the proposal, and that:

(i) The optional DNS process is being used;

(ii) This may be the only opportunity to comment on the environmental impacts of the proposal;

(iii) The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and

(iv) A copy of the subsequent threshold determination for the specific proposal may be obtained upon request (in addition, the lead agency may choose to maintain a general mailing list for threshold determination distribution).

(b) List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected;

(c) Comply with the requirements for a notice of application and public notice in RCW 36.70B.110; and

(d) Send the notice of application and environmental checklist to:

(i) Agencies with jurisdiction, the department of ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and

(ii) Anyone requesting a copy of the environmental checklist for the specific proposal (in addition, the lead agency may choose to maintain a general mailing list for checklist distribution).

(3) If the lead agency indicates on the notice of application that a DNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice of application (WAC 197-11-948).

(4) The responsible official shall consider timely comments on the notice of application and either:

(a) Issue a DNS or mitigated DNS with no comment period using the procedures in subsection (5) of this section;

(b) Issue a DNS or mitigated DNS with a comment period using the procedures in subsection (5) of this section, if the lead agency determines a comment period is necessary;

(c) Issue a DS; or

(d) Require additional information or studies prior to making a threshold determination.

(5) If a DNS or mitigated DNS is issued under subsection (4)(a) of this section, the lead agency shall send a copy of the DNS or mitigated DNS to the department of ecology, agencies with jurisdiction, those who commented, and anyone requesting a copy. A copy of the environmental checklist need not be recirculated.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-390 Effect of threshold determination.

(1) When the responsible official makes a threshold determination, it is final and binding on all agencies, subject to the provisions of this section and WAC 197-11-340, 197-11-360, and Part Six.

(2) The responsible official's threshold determination:

(a) For proposals listed in WAC 197-11-340(2), shall not be final until (~~fifteen~~) fourteen days after issuance.

(b) Shall not apply if another agency with jurisdiction assumes lead agency status under WAC 197-11-948.

(c) Shall not apply when withdrawn by the responsible official under WAC 197-11-340 or 197-11-360.

(d) Shall not apply when reversed on appeal.

(3) Regardless of any appeals, a DS or DNS issued by the responsible official may be considered final for purposes of other agencies' planning and decision making unless subsequently changed, reversed, or withdrawn.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-408 Scoping. (1) The lead agency shall narrow the scope of every EIS to the probable significant adverse impacts and reasonable alternatives, including mitigation measures. For example, if there are only two or three significant impacts or alternatives, the EIS shall be focused on those.

(2) To ensure that every EIS is concise and addresses the significant environmental issues, the lead agency shall:

(a) Invite agency, affected tribes, and public comment on the DS (WAC 197-11-360).

(i) If the agency requires written comments, agencies, affected tribes and the public shall be allowed twenty-one days from the date of issuance of the DS in which to comment, unless expanded scoping is used.

(ii) If a GMA county/city issues the scoping notice with the notice of application under RCW 36.70B.110, the comment period shall be no less than fourteen days.

(iii) The date of issuance for a DS is the date it is sent to the department of ecology and other agencies with jurisdiction, and is publicly available.

(b) Identify reasonable alternatives and probable significant adverse environmental impacts.

(c) Eliminate from detailed study those impacts that are not significant.

(d) Work with other agencies to identify and integrate environmental studies required for other government approvals with the EIS, where feasible.

(3) Agencies, affected tribes, and the public should comment promptly and as specifically as permitted by the details available on the proposal.

(4) Meetings or scoping documents, including notices that the scope has been revised, may be used but are *not* required. The lead agency shall integrate the scoping process with its existing planning and decision-making process in order to avoid duplication and delay.

(5) The lead agency shall revise the scope of an EIS if substantial changes are made later in the proposal, or if significant new circumstances or information arise that bear on the proposal and its significant impacts.

(6) DEISs shall be prepared according to the scope defined upon by the lead agency in its scoping process.

(7) EIS preparation may begin during scoping.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-502 Inviting comment. (1) Agency efforts to involve other agencies and the public in the SEPA process should be commensurate with the type and scope of the environmental document.

(2) Consulted agencies have a responsibility to respond in a timely and specific manner to requests for comments (WAC 197-11-545, 197-11-550, and 197-11-724).

(3) **Threshold determinations.**

(a) Agencies shall send DNSs to other agencies with jurisdiction, if any, as required by WAC 197-11-340(2) and 197-11-355.

(b) For DNSs issued under WAC 197-11-340(2), agencies shall provide public notice under WAC 197-11-510 and receive comments on the DNS for ~~((fifteen))~~ fourteen days.

(4) **Scoping.**

(a) Agencies shall circulate the DS and invite comments on the scope of an EIS, as required by WAC 197-11-360, 197-11-408, and 197-11-510.

(b) Agencies may use other reasonable methods to inform agencies and the public, such as those indicated in WAC 197-11-410.

(c) The lead agency determines the method for commenting (WAC 197-11-408 and 197-11-410).

(5) **DEIS.**

(a) Agencies shall invite comments on and circulate DEISs as required by WAC 197-11-455.

(b) The commenting period shall be thirty days unless extended by the lead agency under WAC 197-11-455.

(c) Agencies shall comment and respond as stated in this part. This meets the act's formal consultation and comment requirement in RCW 43.21C.030 (2)(d).

(6) **Public hearings and meetings.**

(a) Public hearings or meetings may be held (WAC 197-11-535). Notice of such public hearings shall be given under WAC 197-11-510 and may be combined with other agency notice.

(b) In conjunction with the requirements of WAC 197-11-510, notice of public hearings shall be published no later than ten days before the hearing. For nonproject proposals, notice of the public hearing shall be published in a newspaper of general circulation in the general area where the lead agency has its principal offices. For nonproject proposals having a regional or state-wide applicability, copies of the notice shall be given to the Olympia bureaus of the Associated Press and United Press International.

(7) **FEIS.** Agencies shall circulate FEISs as required by WAC 197-11-460.

(8) **Supplements.**

(a) Notice for and circulation of draft and final SEISs shall be done in the same manner as other draft and final EISs.

(b) When a DNS is issued after a DS has been withdrawn (WAC 197-11-360(4)), agencies shall give notice

under WAC 197-11-510 and receive comments for ~~((fifteen))~~ fourteen days.

(c) An addendum need not be circulated unless required under WAC 197-11-625.

(9) **Appeals.** Notice provisions for appeals are in WAC 197-11-680.

(10) Agencies may circulate any other environmental documents for the purpose of providing information or seeking comment, as an agency deems appropriate.

(11) In addition to any required notice or circulation, agencies may use any other reasonable methods, to inform agencies and the public that environmental documents are available or that hearings will occur.

(12) Agencies may combine SEPA notices with other agency notices. However, the SEPA information must be identifiable.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-508 SEPA register. (1) The department of ecology shall ~~((publish and mail each week))~~ prepare a SEPA register at least weekly, giving notice of all environmental documents required to be sent to the department of ecology under these rules, specifically:

(a) DNSs under WAC 197-11-340(2);

(b) DSs (scoping notices) under WAC 197-11-408;

(c) EISs under WAC 197-11-455, 197-11-460, 197-11-620, and 197-11-630; ~~((and))~~

(d) Notices of action under RCW 43.21C.080 and 43.21C.087; and

(e) Notices in the optional DNS process under WAC 197-11-355 (2)(d)(i) and (5).

(2) All agencies shall submit the environmental documents listed in subsection (1) of this section to the department promptly and in accordance with procedures established by the department.

(3) Agencies are encouraged to ~~((subscribe))~~ refer to the SEPA register for notice of SEPA documents which may affect them.

(4) The department:

(a) Shall establish the method for distributing the SEPA register, which may include listing on Internet, publishing and mailing to interested persons, or any other method deemed appropriate by the department.

(b) May establish a reasonable format for ~~((publishing the required notices in))~~ the SEPA register;

~~((b))~~ (c) May charge a reasonable fee for the SEPA register as allowed by law, in at least the amount allowed by chapter 42.17 RCW, from agencies, members of the public, and interested organizations.

(5) Members of the public, citizen and community groups, and educational institutions are encouraged to ~~((subscribe and))~~ refer to the SEPA register for notice of SEPA actions which may affect them.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-535 Public hearings and meetings. (1) If a public hearing on the proposal is held under some other requirement of law, such hearing shall be open to consideration of the environmental impact of the proposal, together

with any environmental document that is available. This does not require extension of the comment periods for environmental documents.

(2) In all other cases a public hearing on the environmental impact of a proposal shall be held whenever one or more of the following situations occur:

(a) The lead agency determines, in its sole discretion, that a public hearing would assist it in meeting its responsibility to implement the purposes and policies of SEPA and these rules; or

(b) When fifty or more persons residing within the jurisdiction of the lead agency, or who would be adversely affected by the environmental impact of the proposal, make written request to the lead agency within thirty days of issuance of the draft EIS; or

(c) When two or more agencies with jurisdiction over a proposal make written request to the lead agency within thirty days of the issuance of the draft EIS.

(3) Whenever a public hearing is held under subsection (2) of this section, it shall occur no earlier than fifteen days from the date the draft EIS is issued, nor later than fifty days from its issuance. Notice shall be given under WAC 197-11-502(6) and 197-11-510 and may be combined with other agency notice.

(4) If a public hearing is required under this chapter, it shall be open to discussion of all environmental documents and any written comments that have been received by the lead agency prior to the hearing. A copy of the environmental document shall be available at the public hearing.

(5) Comments at public hearings should be as specific as possible (see WAC 197-11-550).

(6) Agencies and their designees may hold informal public meetings or workshops. Such gatherings may be more flexible than public hearings and are not subject to the above notice and similar requirements for public hearings.

(7) Public meetings held by local governments under chapter 36.70B RCW may be used to meet SEPA public hearing requirements as long as the requirements for public hearing in this section are met. A public hearing under this section need not be an open record hearing as defined in RCW 36.70B.020(3).

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-600 When to use existing environmental documents. (1) This section contains criteria for determining whether an environmental document must be used unchanged and describes when existing documents may be used to meet all or part of an agency's responsibilities under SEPA.

(2) An agency may use environmental documents that have previously been prepared in order to evaluate proposed actions, alternatives, or environmental impacts. The proposals may be the same as, or different than, those analyzed in the existing documents.

(3) ~~((Other agencies))~~ Any agency acting on the same proposal shall use an environmental document unchanged, except in the following cases:

(a) For DNSs, an agency with jurisdiction is dissatisfied with the DNS, in which case it may assume lead agency status (WAC 197-11-340 (2)(e) and 197-11-948).

(b) For DNSs and EISs, preparation of a new threshold determination or supplemental EIS is required if there are:

(i) Substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts (or lack of significant adverse impacts, if a DS is being withdrawn); or

(ii) New information indicating a proposal's probable significant adverse environmental impacts. (This includes discovery of misrepresentation or lack of material disclosure.) A new threshold determination or SEIS is not required if probable significant adverse environmental impacts are covered by the range of alternatives and impacts analyzed in the existing environmental documents.

(c) For EISs, the agency concludes that its written comments on the DEIS warrant additional discussion for purposes of its action than that found in the lead agency's FEIS (in which case the agency may prepare a supplemental EIS at its own expense).

(4) Existing documents may be used for a proposal by employing one or more of the following methods:

(a) "Adoption," where an agency may use all or part of an existing environmental document to meet its responsibilities under SEPA. Agencies acting on the same proposal for which an environmental document was prepared are not required to adopt the document; or

(b) "Incorporation by reference," where an agency preparing an environmental document includes all or part of an existing document by reference.

(c) An addendum, that adds analyses or information about a proposal but does not substantially change the analysis of significant impacts and alternatives in the existing environmental document.

(d) Preparation of a SEIS if there are:

(i) Substantial changes so that the proposal is likely to have significant adverse environmental impacts; or

(ii) New information indicating a proposal's probable significant adverse environmental impacts.

(e) If a proposal is substantially similar to one covered in an existing EIS, that EIS may be adopted; additional information may be provided in an addendum or SEIS (see (c) and (d) of this subsection).

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-660 Substantive authority and mitigation. (1) Any governmental action on public or private proposals that are not exempt may be conditioned or denied under SEPA to mitigate the environmental impact subject to the following limitations:

(a) Mitigation measures or denials shall be based on policies, plans, rules, or regulations formally designated by the agency (or appropriate legislative body, in the case of local government) as a basis for the exercise of substantive authority and in effect when the DNS or DEIS is issued.

(b) Mitigation measures shall be related to specific, adverse environmental impacts clearly identified in an environmental document on the proposal and shall be stated in writing by the decision maker. The decision maker shall cite the agency SEPA policy that is the basis of any condition or denial under this chapter (for proposals of applicants). After its decision, each agency shall make available

to the public a document that states the decision. The document shall state the mitigation measures, if any, that will be implemented as part of the decision, including any monitoring of environmental impacts. Such a document may be the license itself, or may be combined with other agency documents, or may reference relevant portions of environmental documents.

(c) Mitigation measures shall be reasonable and capable of being accomplished.

(d) Responsibility for implementing mitigation measures may be imposed upon an applicant only to the extent attributable to the identified adverse impacts of its proposal. Voluntary additional mitigation may occur.

(e) Before requiring mitigation measures, agencies shall consider whether local, state, or federal requirements and enforcement would mitigate an identified significant impact.

(f) To deny a proposal under SEPA, an agency must find that:

(i) The proposal would be likely to result in significant adverse environmental impacts identified in a final or supplemental environmental impact statement prepared under this chapter; and

(ii) Reasonable mitigation measures are insufficient to mitigate the identified impact.

(g) If, during project review, a GMA county/city determines that the requirements for environmental analysis, protection, and mitigation measures in the GMA county/city's development regulations or comprehensive plan adopted under chapter 36.70A RCW, or in other applicable local, state or federal laws or rules, provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action under RCW 43.21C.240, the GMA county/city shall not impose additional mitigation under this chapter.

(2) Decision makers should judge whether possible mitigation measures are likely to protect or enhance environmental quality. EISs should briefly indicate the intended environmental benefits of mitigation measures for significant impacts (WAC 197-11-440(6)). EISs are not required to analyze in detail the environmental impacts of mitigation measures, unless the mitigation measures:

(a) Represent substantial changes in the proposal so that the proposal is likely to have significant adverse environmental impacts, or involve significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; and

(b) Will not be analyzed in a subsequent environmental document prior to their implementation.

(3) Agencies shall prepare a document that contains agency SEPA policies (WAC 197-11-902), so that applicants and members of the public know what these policies are. This document shall include, or reference by citation, the regulations, plans, or codes formally designated under this section and RCW 43.21C.060 as possible bases for conditioning or denying proposals. If only a portion of a regulation, plan, or code is designated, the document shall identify that portion. This document (and any documents referenced in it) shall be readily available to the public and shall be available to applicants prior to preparing a draft EIS.

AMENDATORY SECTION (Amending Order 94-22, filed 3/6/95, effective 4/6/95)

WAC 197-11-680 Appeals. (1) **Introduction.** Appeals provisions in SEPA are found in RCW 43.21C.060, 43.21C.075 and 43.21C.080. These rules attempt to construe and interpret the statutory provisions. In the event a court determines that these rules are inconsistent with statutory provisions, or with the framework and policy of SEPA, the statute will control. Persons considering either administrative or judicial appeal of any decision which involves SEPA at all are advised to read the statutory sections cited above.

(2) **Appeal to local legislative body.** RCW 43.21C.060 allows an appeal to a local legislative body of any decision by a local nonelected official conditioning or denying a proposal under authority of SEPA. Agencies may establish procedures for such an appeal, or may eliminate such appeals altogether, by rule, ordinance or resolution. Such appeals are subject to the restrictions in RCW 36.70B.050 and 36.70B.060 that local governments provide no more than one open record hearing and one closed record appeal for permit decisions.

(3) **Agency administrative appeal procedures.**

(a) Agencies may provide for an administrative appeal of determinations relating to SEPA in their agency SEPA procedures. If so, the procedures must comply with the following:

(i) The agency must specify by rule, ordinance, or resolution that the appeals procedure is available.

(ii) Appeal of the intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed.

(iii) Appeals on SEPA procedures shall be limited to review of a final threshold determination and final EIS. ~~((The appeal of a final threshold determination))~~ These appeals may occur prior to an agency's final decision on a proposed action. Any appeal of a DNS held before an agency's final decision must be heard at a proceeding where the hearing body or officer will render a final recommendation or decision on the proposed underlying governmental action.

(iv) An agency shall provide for only one administrative appeal of a threshold determination or of the adequacy of an EIS; successive administrative appeals on these issues within the same agency are not allowed. This limitation does not apply to ~~((appeals to a local legislative body under RCW 43.21C.060 (or another state statute) or to))~~ administrative appeals before another agency.

(v) ~~((If the agency has made a decision on a proposed action))~~ Except as provided in (a)(vi) of this subsection, the appeal shall consolidate any allowed appeals of procedural and substantive determinations under SEPA with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before one hearing officer or body. The hearing or appeal shall be one at which the hearing officer or body will consider either the agency's decision or a recommendation on the proposed underlying governmental action. For example, an appeal of the adequacy of an EIS must be consolidated with ~~((an))~~ a hearing or appeal ~~((of))~~ on the agency's decision or recommendation on the proposed action, if both ~~((appeals))~~ proceedings are allowed in agency procedures. If an agency does not provide for a hearing or

appeal on the underlying governmental action (either a hearing on the agency's recommendation or an agency appeal hearing after the decision is made), the agency may not hold a SEPA administrative appeal, except as allowed under (a)(vi) of this subsection.

(vi) The following appeals of SEPA procedural or substantive determinations need not be consolidated with a hearing or appeal on the underlying governmental action:

(A) An appeal of a determination of significance;

(B) An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under SEPA, including any appeals of its procedural determinations, prior to submitting an application for a project permit. Subsequent appeals of substantive determinations by an agency with jurisdiction over the proposed project shall be allowed under the SEPA appeal procedures of the agency with jurisdiction;

(C) An appeal of a procedural determination made by an agency on a nonproject action; and

(D) An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes.

(vii) If a county/city to which RCW 36.70B.110 applies provides for an administrative appeal, any such appeal of a procedural or substantive determination under SEPA issued at the same time as the decision on a project action shall be filed within fourteen days after a notice of decision under RCW 36.70B.130 or after other notice that the decision has been made and is appealable. In order to allow public comment on a DNS prior to requiring an administrative appeal to be filed, this appeal period shall be extended for an additional seven days if the appeal is of a DNS for which public comment is required under this chapter or under county/city rules adopted under SEPA. For threshold determinations issued prior to a decision on a project action, any administrative appeal allowed by a county/city shall be filed within fourteen days after notice that the determination has been made and is appealable. Nothing in this subsection alters the requirements of (a)(v) and (vi) of this subsection.

(viii) Agencies shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(b) Agencies providing for administrative appeals shall provide for a record as required by RCW 43.21C.075 (3)(c).

(c) If an agency provides an administrative appeal procedure, that procedure must be used before anyone may initiate judicial review of any SEPA issue that could have been reviewed under the agency procedures.

(4) Judicial appeals.

(a) SEPA authorizes judicial appeals of both procedural and substantive compliance with SEPA.

(b) When SEPA applies to a decision, any judicial appeal of that decision potentially involves both those issues pertaining to SEPA (SEPA issues) and those which do not (non-SEPA issues). RCW 43.21C.075 establishes time limits for raising SEPA issues, but says that existing statutes of limitations control the appeal of non-SEPA issues. The statute contemplates a single lawsuit(~~, but allows for the SEPA and non-SEPA portions of that lawsuit to be filed at different times~~).

(c) If there is a time limit established by statute or ordinance for appealing the underlying governmental action, then appeals (or portions thereof) raising SEPA issues must

~~be filed within ((thirty days after the agency gives official notice (see subsection (5) of this section for content of official notice))) such time period.~~

(d) ~~((In any instance where subsection (e) of this subsection allows the SEPA portion of an appeal to be filed after the time limit established by statute or ordinance for appealing the underlying governmental action, some judicial action must be filed within the time set by statute or ordinance. That action may be later amended to raise SEPA issues within thirty days after the agency gives official notice (see subsection (5) of this section). In addition, where SEPA issues were first raised during an administrative appeal, any person desiring to raise SEPA issues by judicial appeal must submit a notice of intent to do so with the responsible official of the acting agency within the time limit set by statute or ordinance for appealing the underlying governmental action.~~

(e)) The notice of action procedures of RCW 43.21C.080 may still be used. If this procedure is used, then the time limits for judicial appeal specified in RCW 43.21C.080 shall apply, unless there is a time limit established by statute or ordinance for appealing the underlying governmental action. If so, the time limit for appeal of SEPA issues shall be ((within thirty days after the agency gives official notice (see subsection (5) of this section))) the time limit in the statute or ordinance for the underlying governmental action. If the proposal requires more than one governmental decision that will be supported by the same SEPA documents, then RCW 43.21C.080 still only allows one judicial appeal of procedural compliance with SEPA, which must be commenced within the applicable time to appeal the first governmental decision.

((f)) (e) If the time limit established by statute or ordinance for appealing the underlying governmental action is less than fifteen days, then the notice of action in RCW 43.21C.080(1) may be given by publishing once within that shorter time period, in a newspaper of general circulation in the area where the property that is the subject of the action is located, and meeting the other requirements of RCW 43.21C.080.

((g)) (f) If there is no time limit established by statute or ordinance for appeal, and the notice of action provisions are not used, then SEPA provides no time limit for judicial appeals. Appeal times may still be limited, however, by general statutes of limitation or the common law.

((h)) (g) For the purposes of this subsection, "a time limit established by statute or ordinance" does not include time limits established by the general statutes of limitation in chapter 4.16 RCW.

(5) **Official notice of the date and place for commencing ~~(an)~~ a judicial appeal.**

(a) Official notice of the date and place for commencing an appeal must be given if there is a time limit established by statute or ordinance for commencing an appeal of the underlying governmental action. The notice shall include:

(i) The time limit for commencing appeal of the underlying governmental action and SEPA issues, and the statute or ordinance establishing the time limit; and

(ii) ~~((The time for appealing SEPA issues (thirty days after notice); and~~

(iii) ~~A statement that a notice of intent is required, if a notice is required under subsection (4)(d) of this section, and~~

~~instructions on where to send the notice and by what date; and~~

(iv)) Where an appeal may be filed.

(b) Notice is given by:

(i) Delivery of written notice to the applicant, all parties to any administrative appeal, and all persons who have requested notice of decisions with respect to the particular proposal in question; and

(ii) Following the agency's normal methods of notice for the type of governmental action taken.

(c) Written notice containing the information required by subsection (5)(a) of this section may be appended to the permit, decision documents, or SEPA compliance documents or may be printed separately.

(d) Official notices required by this subparagraph shall not be given prior to final agency action.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-702 Act. "Act" means the State Environmental Policy Act (~~(of 1974)~~), chapter 43.21C RCW, as amended, which is also referred to as "SEPA."

NEW SECTION

WAC 197-11-721 Closed record appeal. "Closed record appeal" means an administrative appeal held under chapter 36.70B RCW that is on the record to a county/city body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal arguments allowed. (RCW 36.70B.020(1).)

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-728 County/city. (1) "County/city" means a county, city, or town. In this chapter, duties and powers are assigned to a county, city, or town as a unit. The delegation of responsibilities among the various departments of a county, city, or town is left to the legislative or charter authority of the individual counties, cities, or towns.

(2) A "GMA county/city" means a county, city, or town planning under the Growth Management Act.

NEW SECTION

WAC 197-11-775 Open record hearing. "Open record hearing" means a hearing held under chapter 36.70B RCW and conducted by a single hearing body or officer authorized by the county/city to conduct such hearings, that creates the county's/city's record through testimony and submission of evidence and information, under procedures prescribed by the county/city by ordinance or resolution. An open record hearing may be held prior to a county's/city's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit. (RCW 36.70B.020(3).)

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-790 SEPA. "SEPA" means the State Environmental Policy Act (~~(of 1974)~~) (chapter 43.21C RCW), which is also referred to as the act. The "SEPA process" means all measures necessary for compliance with the act's requirements.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-800 Categorical exemptions. The proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

(1) **Minor new construction—Flexible thresholds.**

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city/county in which the project is located establishes an exempt level under (c) of this subsection. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

(b) The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water:

(i) The construction or location of any residential structures of four dwelling units.

(ii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(iii) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles.

(iv) The construction of a parking lot designed for twenty automobiles.

(v) Any landfill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(c) Cities, towns or counties may raise the exempt levels to the maximum specified below by implementing ordinance or resolution. Such levels shall be specified in the agency's SEPA procedures (WAC 197-11-904) and sent to the department of ecology. A newly established exempt level shall be supported by local conditions, including zoning or other land use plans or regulations. An agency may adopt a system of several exempt levels (such as different levels for different geographic areas). The maximum exempt level for the exemptions in (1)(b) of this section shall be, respectively:

(i) 20 dwelling units.

- (ii) 30,000 square feet.
- (iii) 12,000 square feet; 40 automobiles.
- (iv) 40 automobiles.
- (v) 500 cubic yards.

(2) **Other minor new construction.** The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection); the exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required:

(a) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(b) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(c) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts, and reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.

(d) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(e) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.

(f) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance.

(g) The installation of impervious underground tanks, having a capacity of 10,000 gallons or less.

(h) The vacation of streets or roads.

(i) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(j) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(3) **Repair, remodeling and maintenance activities.** The following activities shall be categorically exempt (~~except~~): The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:

(a) Dredging;

(b) Reconstruction/maintenance of groins and similar shoreline protection structures; or

(c) Replacement of utility cables that must be buried under the surface of the bedlands. Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

(4) **Water rights.** The following appropriations of water shall be exempt, the exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation:

(a) Appropriations of fifty cubic feet per second or less of surface water for irrigation purposes, when done without a government subsidy.

(b) Appropriations of one cubic foot per second or less of surface water, or of 2,250 gallons per minute or less of ground water, for any purpose.

(5) **Purchase or sale of real property.** The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to an authorized public use.

(c) The lease of real property when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(6) **Minor land use decisions.** The following land use decisions shall be exempt:

(a) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivisions or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.

(c) Classifications of land for current use taxation under chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

(d) Annexation of territory by a city or town.

(7) **School closures.** The adoption and implementation of a plan, program, or decision for the closure of a school or schools shall be exempt. Demolition, physical modification or change of a facility from a school use shall not be exempt under this subsection.

(8) **Open burning.** Opening burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

(9) ~~((Variances under))~~ **Clean Air Act.** The following actions under the Clean Air Act shall be exempt:

(a) The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.

(b) The issuance, renewal, reopening, or revision of an air operating permit under RCW 70.94.161.

(10) **Water quality certifications.** The granting or denial of water quality certifications under the Federal Clean Water Act (Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1341) shall be exempt.

(11) **Activities of the state legislature.** All actions of the state legislature are exempted. This subsection does not exempt the proposing of legislation by an agency (WAC 197-11-704).

(12) **Judicial activity.** The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(13) **Enforcement and inspections.** The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties; undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) All activities of fire departments and law enforcement agencies except physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(14) **Business and other regulatory licenses.** The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing heating, mechanical, and safety codes and regulations, but not including building permits.

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities, including but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

(d) All licenses to operate or engage in charitable or retail sales and service activities, including but not limited to peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.

(e) All licenses for private security services, including but not limited to detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.

(f) All licenses for vehicles for-hire and other vehicle related activities, including but not limited to taxicabs, ambulances, and tow trucks: *Provided*, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

(g) All licenses for food or drink services, sales, and distribution, including but not limited to restaurants, liquor, and meat.

(h) All animal control licenses, including but not limited to pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.

(i) The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.

(15) **Activities of agencies.** The following administrative, fiscal and personnel activities of agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: *Provided*, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(j) The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection (see also WAC 197-11-800(7)).

(16) **Financial assistance grants.** The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project. This exemption includes agencies taking nonproject actions that are necessary to apply for federal or other financial assistance.

(17) **Local improvement districts.** The formation of local improvement districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under WAC 197-11-800 and 197-11-880.

(18) **Information collection and research.** Basic data collection, research, resource evaluation, requests for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information-gathering, or as part of a study leading to a proposal that has not yet been approved, adopted or funded; this exemption does not include any agency action that commits the agency to proceed with such a proposal. (Also see WAC 197-11-070.)

(19) **Acceptance of filings.** The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(20) **Procedural actions.** The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt. Agency SEPA procedures shall be exempt.

(21) **Building codes.** The adoption by ordinance of all codes as required by the state Building Code Act (chapter 19.27 RCW).

(22) **Adoption of noise ordinances.** The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the department of ecology under chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations (and thus requires approval of the department of ecology under RCW 70.107.060(4)), SEPA compliance may be limited to those items which differ from state regulations.

(23) **Review and comment actions.** Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

(24) **Utilities.** The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance,

operation or alteration that does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including communication towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: *Provided*, That additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition: *Provided*, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(h) All grants of franchises by agencies to utilities.

(i) All disposals of rights of way by utilities.

(25) **Natural resources management.** In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) All Class I, II, III forest practices as defined by RCW 76.09.050 or regulations thereunder.

(b) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.

(c) Licenses or approvals to remove firewood.

(d) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(e) Issuance of leases for Christmas tree harvesting or brush picking.

(f) Issuance of leases for school sites.

(g) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(h) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(i) Periodic use of chemical or mechanical means to maintain public park and recreational land: *Provided*, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(j) Issuance of rights of way, easements and use permits to use existing roads in nonresidential areas.

(k) Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter 79.70 RCW.

(26) Watershed restoration projects. Actions pertaining to watershed restoration projects as defined in RCW 89.08.460(2) are exempt, provided, they implement a watershed restoration plan which has been reviewed under SEPA (RCW 89.08.460(1)).

(27) Personal wireless service facilities.

(a) The siting of personal wireless service facilities are exempt if the facility:

(i) Is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school;

(ii) Includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest, or agriculture zone; or

(iii) Involves constructing a personal wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.

(b) For the purposes of this subsection:

(i) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(ii) "Personal wireless service facilities" means facilities for the provision of personal wireless services.

(iii) "Microcell" means a wireless communication facility consisting of an antenna that is either:

(A) Four feet in height and with an area of not more than five hundred eighty square inches; or

(B) If a tubular antenna, no more than four inches in diameter and no more than six feet in length.

(c) This exemption does not apply to projects within a critical area designated under GMA (RCW 36.70A.060).

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-912 Procedures ~~((on))~~ of consulted agencies. Each agency shall develop internal procedures, manuals, or guidance for providing responses to consultation requests from other agencies pertaining to threshold investigations, the scoping process, or EISs. Such procedures shall ensure that the agency will comply with the requirements of Part ~~((Four))~~ Five of these rules. It is recommended that these procedures be integrated within existing procedures of investigating license applications when the consulted agency is also an acting agency.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-914 SEPA fees and costs. (1) Except for the costs allowed by this chapter (see, for example, sections WAC 197-11-080, 197-11-100, 197-11-340 (3)(a), 197-11-420(4), 197-11-440 (2)~~((m))~~ (1), 197-11-504, 197-

11-508, 197-11-570, 197-11-600 (3)~~((b))~~ (c) pertaining to the cost of preparing environmental documents), these rules neither authorize nor prohibit the imposition of fees to cover the costs of SEPA compliance.

(2) A person required to pay an impact fee for system improvements under RCW 82.02.050 through 82.02.090 shall not be required to pay a fee under SEPA for the same system improvements.

AMENDATORY SECTION (Amending Order 94-22, filed 3/6/95, effective 4/6/95)

WAC 197-11-938 Lead agencies for specific proposals. Notwithstanding the lead agency designation criteria contained in WAC 197-11-926 through 197-11-936, the lead agency for proposals within the areas listed below shall be as follows:

(1) For all governmental actions relating to energy facilities for which certification is required under chapter 80.50 RCW, the lead agency shall be the energy facility site evaluation council (EFSEC); however, for any public project requiring such certification and for which the study under RCW 80.50.175 will not be made, the lead agency shall be the agency initiating the project.

(2) For all private projects relating to the use of geothermal resources under chapter 79.76 RCW, the lead agency shall be the department of natural resources.

(3) For all private projects requiring a license or other approval from the oil and gas conservation committee under chapter 78.52 RCW, the lead agency shall be the department of natural resources; however, for projects under RCW 78.52.125, the EIS shall be prepared in accordance with that section.

(4) For private activity requiring a license or approval under the Forest Practices Act of 1974, chapter 76.09 RCW, the lead agency shall be either the department of natural resources or the city/county where the project is located, as set forth below:

(a) The interagency agreements authorized by WAC 222-50-030 between the department of natural resources and other governmental agencies may be used to identify SEPA lead agency status for forest practice applications. If used, this agreement shall meet the requirements for a lead agency agreement in WAC 197-11-942.

(b) If no interagency agreement exists, the SEPA lead agency determination shall be based on information in the environmental checklist required as part of the forest practice application requiring SEPA review. The applicant shall, as part of the checklist, submit all information on future plans for conversion, and shall identify any known future license requirements.

(c) For any proposal involving forest practices (i) on lands platted after January 1, 1960, (ii) on lands being converted to another use, or (iii) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, the applicable county or city is the lead agency if the county or city will require a license for the proposal. Upon receipt of a forest practice application and environmental checklist, natural resources shall determine lead agency for the proposal. If insufficient information is available to identify necessary permits, natural resources

shall ask the applicant for additional information. If a permit is not required from the city/county, natural resources shall be lead agency. If a city/county permit is required, natural resources shall send copies of the environmental checklist and forest practice application together with the determination of the lead agency to the city/county.

(d) Upon receipt and review of the environmental checklist and forest practice application, the city/county shall within ten business days:

(i) Agree that a city/county license is required, either now or at a future point, and proceed with environmental review as lead agency.

(ii) Determine that a license is not required from the city/county, and notify natural resources that the city/county is not lead agency; or

(iii) Determine there is insufficient information in the environmental checklist to identify the need for a license, and either:

(A) Assume lead agency status and conduct appropriate environmental analysis for the total proposal;

(B) Request additional information from the applicant;

or
(C) Notify natural resources of the specific additional information needed to determine permit requirements, who shall request the information from the applicant.

(5) For all private projects requiring a license or lease to use or affect state lands, the lead agency shall be the state agency managing the lands in question; however, this subsection shall not apply to the sale or lease of state-owned tidelands, harbor areas or beds of navigable waters, when such sale or lease is incidental to a larger project for which one or more licenses from other state or local agencies is required.

~~(6) ((For all proposals which are being processed under the Environmental Coordination Procedures Act of 1973 (ECPA), chapter 90.62 RCW, the lead agency shall be determined under the standards of these rules.~~

~~(7))~~ (7) For a pulp or paper mill or oil refinery not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology, when a National Pollutant Discharge Elimination System (NPDES) permit is required under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

~~((8))~~ (8) For proposals to construct a pipeline greater than six inches in diameter and fifty miles in length, used for the transportation of crude petroleum or petroleum fuels or oil or derivatives thereof, or for the transportation of synthetic or natural gas under pressure not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology.

~~((9))~~ (9) For proposals that will result in an impoundment of water with a water surface in excess of forty acres, the lead agency shall be the department of ecology.

~~((10))~~ (10) For proposals to construct facilities on a single site designed for, or capable of, storing a total of one million or more gallons of any liquid fuel not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology.

~~((11))~~ (11) For proposals to construct any new oil refinery, or an expansion of an existing refinery that shall increase capacity by ten thousand barrels per day or more

not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology.

~~((12))~~ (12) For proposed metal mining and milling operations regulated by chapter 78.56 RCW, except for uranium and thorium operations regulated under Title 70 RCW, the lead agency shall be the department of ecology.

~~((13))~~ (13) For proposals to construct, operate, or expand any uranium or thorium mill, any tailings areas generated by uranium or thorium milling or any low-level radioactive waste burial facilities, the lead agency shall be the department of social and health services.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-940 Transfer of lead agency status to a state agency. For any proposal for a private project where a city or town with a population of under five thousand or a county ~~((of fifth through ninth class))~~ with a population under eighteen thousand would be the lead agency under WAC 197-11-928 through 197-11-938, and when one or more state agencies are agencies with jurisdiction over the proposal, such local agency may at its option transfer the lead agency duties to that state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936. In such event, the state agency so determined shall be the lead agency and the agency making the transfer shall be an agency with jurisdiction. Transfer is accomplished by the county, city or town transmitting a notice of the transfer together with any relevant information it may have on the proposal to the appropriate state agency with jurisdiction. The local agency making the transfer shall also give notice of the transfer to any private applicant and other agencies with jurisdiction involved in the proposal.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-948 Assumption of lead agency status.
(1) An agency with jurisdiction over a proposal, upon review of a DNS (WAC 197-11-340) may transmit to the initial lead agency a completed "Notice of assumption of lead agency status." This notice shall be substantially similar to the form in WAC 197-11-985. Assumption of lead agency status shall occur only within ~~((fifteen days of issuance of a DNS))~~ the fourteen-day comment period on a DNS issued under WAC 197-11-340 (2)(a), or during the comment period on a notice of application when the optional DNS process in WAC 197-11-355 is used.

(2) The DS by the new lead agency shall be based only upon information contained in the environmental checklist attached to the DNS transmitted by the first lead agency or the notice of application if the optional DNS process is used, and any other information the new lead agency has on the matters contained in the environmental checklist.

(3) Upon transmitting the DS and notice of assumption of lead agency status, the consulted agency with jurisdiction shall become the "new" lead agency and shall expeditiously prepare an EIS. In addition, all other responsibilities and authority of a lead agency under this chapter shall be transferred to the new lead agency.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-970 Determination of nonsignificance (DNS).

DETERMINATION OF NONSIGNIFICANCE

Description of proposal

Proponent

Location of proposal, including street address, if any

Lead agency

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

There is no comment period for this DNS.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for ((15)) 14 days from the date below. Comments must be submitted by

Responsible official

Position/title Phone.

Address

Date. Signature

(OPTIONAL)

You may appeal this determination to (name) at (location) no later than (date) by (method)

You should be prepared to make specific factual objections.

Contact. to read or ask about the procedures for SEPA appeals.

There is no agency appeal.

WSR 97-21-043 PERMANENT RULES GAMBLING COMMISSION [Filed October 10, 1997, 4:40 p.m.]

Date of Adoption: October 10, 1997.

Purpose: These rules implement statutory changes authorizing the increase in the house banked card games;

Permanent

requires public card room licensees who wish to operate under the more permissive conditions (allowed by the statutory changes) to participate in a pilot study. Amended rules, WAC 230-04-110 and 230-04-120, add card room gambling equipment to the licensing requirements for manufacturers and distributors.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-40-999; and amending WAC 230-04-110 and 230-04-120.

Statutory Authority for Adoption: RCW 9.46.070 (2), (4), (12) and (20).

Adopted under notice filed as WSR 97-18-030 on August 26, 1997.

Changes Other than Editing from Proposed to Adopted Version: In WAC 230-40-900, a provision was added to clarify that each new agreement shall be submitted to the commission for a review and approval prior to commencing operations. Another added provision states that deposits submitted pursuant to WAC 230-40-999 shall remain in effect through December 31, 1997, but new deposits will be submitted in accordance with the schedule set forth in WAC 230-40-900.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 2, repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, amended 0, repealed 1.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 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 1, amended 2, repealed 1; Pilot Rule Making: New 1, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing. October 10, 1997 Soojin Kim Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 95-12-052, filed 6/2/95, effective 7/3/95)

WAC 230-04-110 Licensing of manufacturers.

Except as authorized by WAC 230-04-115, a license must be obtained from the commission prior to manufacturing, selling, or supplying gambling equipment to any person(s) within this state, or for use within this state. The following definitions and requirements apply to certification and licensing of manufacturers:

(1) For ((the)) purposes of this title, "gambling equipment" includes at least the following devices:

- (a) Punchboards and pull tabs;
(b) Devices for the dispensing of pull tabs;
(c) Bingo equipment, as defined by WAC 230-02-250; and

(d) Any gambling equipment, patented or otherwise restricted gaming schemes, or paraphernalia for use in connection with licensed ((fund-raising events)) gambling

PERMANENT

activities, recreational gaming activities, (~~tribal gaming activities~~) or class III tribal gaming activities, including table games, chips, cards, and dice.

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials required elsewhere in these rules:

(a) The full name and address of the applicant;

(b) The full name and address of each location where such devices are manufactured or stored;

(c) The name, home address, and share of ownership of all owners of the manufacturing business if the business is not a corporation. If the business is a corporation, the name, address, and share of ownership of the officers, the directors, and substantial interest holders;

(d) A full description of each separate type of gambling equipment or device that an applicant seeks to manufacture or to market in this state;

(e) The brand name under which each type of gambling device or equipment is sold;

(f) If the applicant is incorporated under laws other than the laws of Washington state, then the full name and business and home address of the resident agent designated by the applicant pursuant to WAC 230-12-300; and

(g) A list of all distributors receiving gambling equipment and all businesses or organizations located within the state of Washington in which the applicant has any financial interest and the details of that financial interest. For the purpose of this subsection, the term financial interest shall include all arrangements through which a person directly or indirectly receives any portion of the profits of the licensed manufacturer and indebtedness between the licensee and any other person, other than a regulated financial institution, in excess of five thousand dollars.

(3) An applicant must demonstrate the ability to comply with all manufacturing, quality control, and operational restrictions imposed on authorized gambling equipment, patented or otherwise restricted gaming schemes, or equipment that it seeks to manufacture or market for use within the state of Washington. The licensing process shall include an on-site review of the applicant's manufacturing equipment and process for each separate type of authorized gambling device, equipment, or scheme to ensure capability to comply with all regulatory requirements of this title and state/tribal compacts;

(4) The following information shall be included as an attachment to the application form:

(a) A list of all affiliated businesses or corporations in which the applicant, officers, directors, or substantial interest holders of the applicant, either directly or indirectly, own or control:

(i) As a sole proprietor; or

(ii) As a partner; or

(iii) More than fifty percent of the voting stock of a privately held or closed corporation; or

(iv) At least five percent of the voting stock of a publicly traded corporation.

(b) A list of all businesses or corporations licensed to conduct gambling activities or to supply gambling-related equipment, supplies, or services in which the applicant, officers, directors, or substantial interest holders of the applicant have any interest;

(c) A list of all jurisdictions in which the applicant or any of the officers, directors, or substantial interest holders of the applicant have been licensed regarding gambling-related activities at any level during the preceding ten years;

(d) A statement regarding whether the applicant or officers, directors, or substantial interest holders have ever had a license for gambling-related activities denied, revoked, or suspended by any jurisdiction for a period longer than thirty days. All details of such must be provided as a part of the application; and

(e) A statement acknowledging that all records related to the ownership or operation of the business shall be made available for review at the time and place requested by commission staff. In addition to other records requested, the following shall be available:

(i) Personal financial records of all substantial interest holders;

(ii) All records related to the scope of activity, including sales of product, purchases of raw materials and parts, and any contracts, franchises, patent agreements, etc., related to sales or purchases; and

(iii) Records related to any financial or management control of or by customers and suppliers.

(5) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form; and

(6) The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission.

AMENDATORY SECTION (Amending WSR 96-09-071 and 96-11-126, filed 4/16/96 and 5/21/96, effective 7/1/96)

WAC 230-04-120 Licensing of distributors. Prior to selling, renting, or otherwise supplying gambling equipment, supplies, or related paraphernalia, including service of such, to any person within the state of Washington or for use within the state of Washington, a distributor shall first obtain a license from the commission. The following definitions and requirements apply to certification and licensing of distributors:

(1) For purposes of this title, a license is required to sell, rent, or otherwise provide to any person the following items and/or services:

(a) Punchboards and pull tabs;

(b) Devices for the dispensing of pull tabs;

(c) Bingo equipment, as defined by WAC 230-02-250;

(d) Any gambling equipment or paraphernalia for use in connection with licensed (~~fund-raising events~~) gambling activities, recreational gaming activities, or Class III gaming activities, including table games, chips, cards, and dice; and

(e) Organizing and conducting recreational gaming activities on behalf of persons as defined by WAC 230-02-505.

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials required elsewhere in these rules:

(a) The full name and address of the applicant;

(b) The business name and address of each location operated by the distributor or where records or inventory will be located;

(c) The name, home address, and share of ownership of all owners of the business if the business is not a corporation. If the business is a corporation, the name, address, and share of ownership of the officers, the directors, and substantial interest holders;

(d) A full description of each separate type of gambling equipment or related supplies that the distributor intends to market in this state or for use in this state;

(e) The brand name under which each type of gambling equipment will be sold;

(f) If the applicant does not maintain a business office within the state or is incorporated in another state or county, then the full name and business and home address of the resident agent designated by the applicant pursuant to WAC 230-12-300; and

(g) A list of all manufacturers of gambling equipment and all businesses or organizations located in the state of Washington in which the applicant has any financial interest and the details of that financial interest. For the purposes of this subsection, the term financial interest shall include all arrangements through which a person directly or indirectly receives any portion of the profits of the licensed distributor and indebtedness between any other person and the applicant, other than a regulated financial institution, in excess of five thousand dollars.

(3) The following information shall be included as an attachment to the application form:

(a) A list of all affiliated businesses or corporations in which the applicant, officers, directors, or substantial interest holders of the applicant, either directly or indirectly, own or control:

(i) As a sole proprietor; or

(ii) As a partner; or

(iii) More than fifty percent of the voting stock of a privately held or closed corporation; or

(iv) At least five percent of the voting stock of a publicly traded corporation.

(b) A list of all businesses or corporations licensed to conduct business related to gambling activities in which the applicant, officers, directors, or substantial interest holders of the applicant have any interest;

(c) A list of all jurisdictions in which the applicant or any of the officers, directors, or substantial interest holders of the applicant have been licensed for gambling-related activities at any level during the preceding ten years;

(d) A statement regarding whether the applicant or officers, directors, or substantial interest holders of the applicant have ever had a license for gambling-related activities denied, revoked, or suspended by any jurisdiction for a period longer than thirty days. All details of such must be provided as a part of the application; and

(e) A statement acknowledging that all records related to the ownership or operation of the business shall be made available for review at the time and place requested by commission staff. In addition to other records requested, the following shall be available:

(i) Personal financial records of all substantial interest holders;

(ii) All records related to the scope of activity, including suppliers, customers, and any contracts related to sales or purchases; and

(iii) Records related to any financial or management control of or by customers and suppliers.

(4) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form; and

(5) The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-40-999 Public card room enhancement program—Pilot study and test.

NEW SECTION

WAC 230-40-900 Public card room enhancement program—Pilot study. The 1996 and 1997 legislature enacted changes to the definition of a social card game, set forth in RCW 9.46.0281. The commission finds it to be in the public interest to continue and expand the pilot study enacted in 1996 to test and develop regulatory provisions implementing the recent legislative changes. The statutory changes authorized: An increase in the number of card tables from five to fifteen; player-supported progressive prize contests; the collection of fees through the rake and per hand methods; player funded banked card games; and house banked card games. In order to utilize the above referenced changes, a public card room licensee must participate in the study subject to the following terms and conditions:

(1) The study commenced July 1, 1996, shall continue and will conclude when permanent rules are adopted. The staff shall brief the commission on a monthly basis on the progress of the study and shall develop rules for formal implementation by January 1, 1999, or such earlier or later date to be determined by the commission.

(2) The licensee must have been operating a class "E-1" through "E-5" card room for at least six months before implementing test scope of activities; and a tribal operation must have been operating at class 2 or class 3 level for at least six months before implementing test scope of activities: *Provided*, That the director can waive the six-month requirement in this section based on demonstrable experience.

(3) Each new agreement shall be submitted to the commission for a review and approval prior to commencing operations. In addition, each agreement that allows for player funded and/or house banked card games, shall be accompanied by a satisfactory preoperation inspection report.

(4) If the agreement is approved by the commission, the terms and conditions of the agreement shall be binding on the licensee.

(5) The licensee shall pay an annual preliminary nonrefundable license fee deposit required to participate in the study. The amount of the deposit shall be based on the commission's cost to conduct the study. During the study, participants may be assessed additional amounts to cover the costs incurred by the commission. As part of the application to participate in the study, the licensee shall make the following deposits:

PERMANENT

(a) The deposit for an increased number of tables shall be those set forth in WAC 230-04-203 (three thousand three hundred thirty dollars), plus:

(i) Six through ten tables: One thousand two hundred dollars per table; or

(ii) Eleven through fifteen tables: Six thousand dollars, plus one thousand five hundred dollars per table;

(b) The deposit for player-supported progressive prize contests shall be one thousand twenty dollars plus:

(i) One through three prize contest: Two hundred forty dollars per contest; or

(ii) Greater than three contests: Seven hundred twenty dollars plus one hundred twenty dollars per contest;

(c) The deposit to study fee collection methods other than fees based on a period of time shall be one thousand twenty dollars plus:

(i) One through five tables: One hundred twenty dollars per table;

(ii) Six through ten tables: Six hundred dollars plus two hundred forty dollars per table; or

(iii) Greater than ten tables: One thousand eight hundred dollars plus three hundred sixty dollars per table;

(d) The deposit for studying player banked and house banked card games shall be equal to the amount set forth in (a) of this subsection plus five thousand dollars;

(e) In addition to the deposit set forth above, the licensee shall be responsible for all costs incurred by the commission involving investigations for violations of the agreement and/or any complaints by players resulting in investigations of the agreement;

(f) Deposits submitted pursuant to WAC 230-40-999, shall remain in effect through December 31, 1997. A new deposit shall be submitted on or before January 1, 1998, in accordance with the deposit schedule set forth in this section.

(6) In the event a licensee violates the terms of its agreement or fails to pay additional assessments within seven days of billing, the director shall have the authority to remove that licensee from participation in the study. Upon removal from the study, the licensee will return to its prestudy scope of activities.

(7) The director's decision to remove a licensee from participation shall be subject to review by the commission at the next regularly scheduled commission meeting. The decision of the commission shall be final and not be subject to further review.

WSR 97-21-045
PERMANENT RULES
SECRETARY OF STATE
[Filed October 13, 1997, 10:08 a.m.]

Date of Adoption: October 13, 1997.

Purpose: Amend and recodify rules relating to elections, including the citizens' commission for salaries of elected officials, voter registration, candidate filing, ballots, absentee ballots, mail ballot elections, polling place procedures, and the verification of signatures on referendum and initiative petitions.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-20-010, 434-20-020, 434-20-030, 434-20-040, 434-20-050, 434-24-040, 434-24-055, 434-24-070,

434-24-080, 434-24-090, 434-24-100, 434-24-150, 434-24-155, 434-24-170, 434-30-100, 434-30-110, 434-30-120, 434-30-130, 434-30-140, 434-30-220, 434-36-130, 434-36-150, 434-36-190, 434-40-070, 434-40-080, 434-40-140, 434-40-170, 434-40-210, 434-40-220, 434-40-280, 434-40-310, and 434-61-050; and amending WAC 434-09-020, 434-09-030, 434-09-040, 434-09-050, 434-09-060, 434-09-070, 434-09-080, 434-09-090, 434-24-010, 434-24-015, 434-24-020, 434-24-110, 434-24-115, 434-24-140, 434-24-160, 434-30-170, 434-30-180, 434-30-210, 434-34-090, 434-34-110, 434-36-020, 434-36-030, 434-36-040, 434-36-050, 434-36-060, 434-36-070, 434-36-080, 434-36-100, 434-36-110, 434-36-120, 434-36-140, 434-36-180, 434-36-200, 434-36-210, 434-40-010, 434-40-030, 434-40-050, 434-40-060, 434-40-130, 434-40-160, 434-40-200, 434-40-240, 434-40-250, 434-40-270, 434-40-290, 434-53-020, 434-53-030, 434-53-040, 434-53-090, 434-53-100, 434-53-120, 434-53-150, 434-53-160, 434-53-170, 434-53-190, 434-53-200, 434-53-210, 434-53-220, 434-53-230, 434-53-270, 434-53-280, 434-53-290, 434-53-300, 434-61-010, 434-61-020, 434-61-040, 434-62-030, 434-62-040, and 434-840-350.

Statutory Authority for Adoption: RCW 29.04.080, 29.04.210, 29.36.150, 29.79.200.

Adopted under notice filed as WSR 97-14-106 on July 2, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 12, amended 69, repealed 32.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 12, amended 69, repealed 32.

Number of Sections Adopted using Negotiated Rule Making: New 12, amended 69, repealed 32; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 13, 1997

Donald F. Whiting

Assistant Secretary of State

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-020 Definitions. As used in these regulations:

(1) "Public employee" includes all persons who, at the time of selection, are officers or employees of any governmental body or political subdivision including, but not limited to the agencies of the ((federal,)) state or county government or any other municipal corporation operating under federal or state law or local ordinance.

(2) "Lobbyist" is a person required to be registered as such by the provisions of chapter 42.17 RCW.

(3) "Immediate family" means the parents, spouse, siblings, children, or dependent relative of the official,

employee, or lobbyist whether or not living in the household of the official, employee, or lobbyist.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-030 Qualification requirements. Qualification requirements for the citizen members selected in accordance with this chapter to serve on the commission shall be as required by the state Constitution and RCW 43.03.305:

(1) Any person selected under (~~(section 7 of this chapter)~~) WAC 434-209-070 to serve must (~~(have been)~~) be a registered voter and eligible to vote at the (~~(previous state general election in the even numbered year)~~) time of selection in the congressional district from which that person was selected;

(2) Any person selected under (~~(section 9 of this chapter)~~) WAC 434-209-090 to serve must (~~(have been)~~) be a registered voter and eligible to vote at the time of selection;

(3) No state official, public employee or lobbyist or immediate family member of such official, public employee or lobbyist shall be eligible to serve.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-040 Transmitting and compiling the data file of records of registered voters. No later than January 1 (~~(1987 and every four years thereafter)~~) of the year of selection, each county auditor shall submit to the secretary of state a data file of records of all registered voters eligible to vote at the previous state general election. The file shall contain the registration number, if available, name, address and congressional district for each registered voter. The secretary of state shall compile a separate list of the file for each congressional district.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-050 Conducting the selection of names by lot. No later than January (~~(15, 1987 and every four years thereafter)~~) 20 of the year of selection, the secretary of state shall arrange for the random selection of approximately an equal number of names of registered voters from each congressional district (~~(in substantially the same manner as prescribed in RCW 2.36.063 for jury selection)~~). The secretary of state may employ a properly programmed electronic data processing system or device to make the random selection of registered voters as required by this section. The secretary of state shall request a separate list of registered voters for each congressional district to be selected by (~~(an unrestricted)~~) a random sample from the lists compiled under (~~(section 4 of this chapter)~~) WAC 434-209-040.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-060 Notifying persons selected by lot. (1) No later than January (~~(20, 1987 and every four years thereafter)~~) 31 of the year of selection, the secretary of state

shall notify by (~~(certified)~~) nonforwardable 1st class mail each person selected by lot under (~~(section 5 of this chapter)~~) WAC 434-209-050. The notification shall contain a response form and prestamped, self-addressed return envelope. The notification shall include the statutory qualifications for membership on the commission as specified in RCW 43.03.305 and describe the duties of the position under RCW 43.03.310. The notification shall request the person selected to confirm on the form whether or not they meet the statutory qualifications to serve on the commission and to indicate if they are willing to serve on the commission in the specified capacity. Each person shall be requested to return the form no later than February 10 of that year. Any selected person, by appropriate indication on the form, may decline to serve on the commission. The secretary of state shall take as conclusive indication that the person has declined to serve if the form is not received by the secretary of state on or before February 10 of that year. The notification shall include an appropriate notice of this deadline.

(2) The secretary of state shall compile a list by congressional district of each qualified person who has responded to the notification, confirmed that they meet the specified qualifications and are willing to serve on the commission as requested in subsection (1) of this section (~~(6(1) of this chapter)~~).

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-070 Determination of commission appointees from congressional districts. From the list prepared under (~~(section 6(2) of this chapter)~~) WAC 434-209-060(2), the secretary of state shall conduct a separate, noncomputer selection by lot of (~~(three)~~) all qualified persons responding positively to the notice in WAC 434-209-060 from each congressional district. The persons selected from each congressional district shall be listed in order of selection.

This list shall serve as the list of registered voters for the initial appointment and for filling any subsequent vacancy.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-080 Names of selected persons to governor. No later than February 15 (~~(1987 and every four years thereafter)~~) of the year of selection, the secretary of state shall forward to the governor the certified list of the names of the first registered voter selected from each congressional district under (~~(section 7 of this chapter)~~) WAC 434-209-070. In the event that one of the persons certified to the governor declines appointment, the secretary of state shall forward to the governor the name of the next registered voter from the same congressional district on the list compiled under (~~(section 7 of this chapter)~~) WAC 434-209-070.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-090 Vacancy on the commission. ~~((Unless voter registration information has been provided to the secretary of state under RCW 29.04.150 within the thirty days prior to the vacancy, each county auditor shall, no later than seven days after a vacancy in a position on the commission as selected under section 7 of this chapter, submit to the secretary of state a data file of records of registered voters eligible to vote at the time of the vacancy-))~~ Whenever a vacancy exists in any of the congressional districts, the governor shall notify the secretary of state of the vacancy. The secretary of state shall forward to the governor for appointment the next name on the list created in WAC 434-209-070 for that congressional district. This procedure will be repeated until this list is exhausted.

If the list from a congressional district becomes depleted, the secretary of state shall create a new list for that congressional district using the most recent voter information obtained from the county auditors. Except for the revision of timelines under this section, the process for compiling the data file of records of registered voters by congressional district, conducting the selection by lot, notifying persons selected, determining appointees, and forwarding to the governor the certified list of the name of the registered voter selected shall be substantially the same as specified in ((the sections 3-8 of this chapter)) WAC 434-209-030 through 434-209-080.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-20-010 Permanent registration Form 1.
- WAC 434-20-020 Registrar's certificate of registered voters.
- WAC 434-20-030 Certificate of transfer of registrations.
- WAC 434-20-040 Certificate of cancellation of registrations.
- WAC 434-20-050 Use of forms previously prescribed.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-010 Contents of computer file of registered voters. ~~((In counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030, a record or))~~ Records containing the following information shall be maintained on each registered voter in the computer file: Name, address, registration number, sex, date of birth, date of registration, applicable district and precinct codes, and up to five dates upon which the individual has voted since establishing that registration record. The county may assign numeric or alphabetic codes for city names in order to facilitate economical storage of the voter's address. ((When existing manual voter registration records are converted to data processing,

~~the county auditor shall record the last date upon which the individual voted: *Provided*, That if the individual has not voted since establishing that record no data shall be recorded. Subsequent dates upon which the individual votes shall be recorded and retained as provided by WAC 434-24-035 as now or hereafter amended.))~~

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-015 Uniform control number. ~~All counties ((which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030)) shall assign to each voter registration record in the computer file a permanent control number ((composed of two alphabetic characters representing the county in which the voter is registered, followed by two numeric characters which shall be the last two digits of the year in which the registration was taken, followed by a six digit item number assigned in sequence: *Provided*, That for those registrations taken prior to the time at which a county has placed all its current registrations on the computer file, the two numeric characters, which normally correspond to the year of registration, may be assigned arbitrarily, and: *Provided further*, That the components of the uniform registration number need not be stored in the computer file as a single item of information)).~~

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-020 County codes. ~~All counties ((which maintain voter registration records on electronic data processing systems under the provisions of subsection (2) of RCW 29.07.150 and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030.)) shall use the following system of two character codes for designating the county in which the voter is registered:~~

- | | | | |
|--------------|------|--------------|------|
| Adams | - AD | Lewis | - LE |
| Asotin | - AS | Lincoln | - LI |
| Benton | - BE | Mason | - MA |
| Chelan | - CH | Okanogan | - OK |
| Clallam | - CM | Pacific | - PA |
| Clark | - CR | Pend Oreille | - PE |
| Columbia | - CU | Pierce | - PI |
| Cowlitz | - CZ | San Juan | - SJ |
| Douglas | - DG | Skagit | - SK |
| Ferry | - FE | Skamania | - SM |
| Franklin | - FR | Snohomish | - SN |
| Garfield | - GA | Spokane | - SP |
| Grant | - GR | Stevens | - ST |
| Grays Harbor | - GY | Thurston | - TH |
| Island | - IS | Wahkiakum | - WK |
| Jefferson | - JE | Walla Walla | - WL |
| King | - KI | Whatcom | - WM |
| Kitsap | - KP | Whitman | - WT |
| Kittitas | - KS | Yakima | - YA |
| Klickitat | - KT | | |

PERMANENT

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-110 Transmittal of cancellations to the secretary of state. Pursuant to the requirements of RCW 29.10.100, the ~~((registration officer in each))~~ county ~~((which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the polling place as provided by RCW 29.48.030))~~ auditor shall prepare an alphabetical list of all voter registrations cancelled from the registration records of that county since the last previous report. The list shall ~~((be printed on paper stock measuring eight and one half inches by fourteen and seven eighths inches and shall be of substantially the following form:))~~ contain the following information for each voter: Voter ID number, voter name, date of registration.

~~((State of Washington _____)~~
County of _____) ss.

I, _____, hereby certify that I have cancelled from the registration records of this county, the following persons:

Signed: _____
Registrar of Voters

REGISTRATION NUMBER	NAME OF VOTER	DATE OF REGISTRATION	ADDRESS
_____	_____	_____	_____

~~((An alphabetical list of names, addresses, registration numbers, and date of registration, for each person whose registration record has been cancelled follows.))~~

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-115 Challenge of voter's registration. All ~~((registrars))~~ county auditors shall maintain a supply of, and furnish to the public on request, forms substantially similar to the sample included below for the purpose of allowing ~~((= (1)))~~ a registered voter to challenge the registration of another voter ~~((on the basis of residence pursuant to RCW 29.59.010; or (2) a precinct committeeman or precinct election officer to challenge the registration of any voter on the basis of residence))~~ pursuant to RCW 29.10.130. A copy of the form ((, designated as Permanent Registration Form 15A, shall be in duplicate, the original to be retained by the registration officer and the duplicate copy to)) shall be sent to the voter, whose ((residence)) voter registration has been challenged ((, at the address at which the challenger asserts that the voter presently resides)) and to the challenger pursuant to RCW 29.10.140. The form shall be substantially similar to the following:

PERMANENT

ORIGINAL: To be returned by registration officer.

CHALLENGE OF VOTER'S REGISTRATION

I, _____ declares, under penalties of perjury,
(Please print name)

that I reside at _____
(Street and number, or rural route) (City or town)

County of _____ State of Washington, and pursuant to Chapter
 225, Laws of 1967, I herewith challenge the registration of the following named voter on the
 grounds that according to my personal knowledge and belief said voter does not actually
 reside and maintain an abode at the address as given on his permanent registration record:

(Print name of challenged voter) (Precinct)

Residence as given on permanent registration record:

(Street and number, or rural route) (Name of city or town) (County)

I further declare, under penalties of perjury, that the actual residence of said voter is as stated below and that said voter is not protected
 from loss of legal residence by the constitutional and statutory provisions as listed on the reverse side of this form.

ACTUAL RESIDENCE: (This information must be valid in order for any challenge to be valid)

(Street and number, or rural route) (Name of city or town) (County)

I further understand that in the event said challenged voter denies my allegations as to his present actual residence and appears at the
 required time at your office or files an affidavit — state law requires that I also must be present or file an affidavit, otherwise no further con-
 sideration will be given to this challenge.

(Name) (Signature of voter making challenge)

• **WARNING:** To properly execute this form it is necessary to check the appropriate square
 (one only) as described below:

A. **REGISTERED VOTER:**
 If this challenge is being initiated by a registered voter not acting either as a precinct committeeman or a precinct election officer, there is no
 geographical limitation but the challenge must be filed with the registration office (city clerk or county auditor) _____ **NO**
LATER THAN 60 DAYS prior to any approaching primary or election, general or special (RCW 29.53.010).

B. **PRECINCT COMMITTEEMAN OR PRECINCT ELECTION OFFICER:**
 If this challenge is being initiated by a precinct committeeman or precinct election officer, the challenge must be restricted to voters of the
 same precinct where such officers serve but the form may be filed out at the polling place on the day of the election. However, it must be
 understood that such action cannot stop the challenged voter from casting his ballot at the time the challenge is being made (RCW 29.10.130).

IMPORTANT: Please read the constitutional and statutory provisions listed on reverse side which protect the voting residence of certain persons,
 before filing out this form.

PERMANENT

VOTER'S REGISTRATION CHALLENGE FORM

TO PROPERLY EXECUTE THIS FORM IT IS NECESSARY TO CHECK THE APPROPRIATE SQUARE BELOW. A SUMMARY OF THE ADMINISTRATIVE PROCEDURES WHICH WILL BE FOLLOWED WITH RESPECT TO THIS VOTER REGISTRATION CHALLENGE MAY BE FOUND ON THE REVERSE SIDE OF THIS FORM.

REASON FOR CHALLENGE

- The individual challenged is not a U.S. Citizen
- The individual challenged is not at least 18 years old
- The individual challenged is currently being denied his or her civil rights

- The individual challenged does not reside at the address at which he or she is registered and his or her actual residence is as follows:

.....

NOTE: State law (RCW 29.10.130) requires that challenging party must provide the address at which the challenged party resides in order for a challenge based on residence to be considered.

PROVISIONS RELATING TO VOTING RESIDENCE

The State Constitution and state law provide that a voting residence shall not be lost if the voter is absent because of:

- A. State or Federal employment, including military service
- B. School attendance
- C. Business outside the state
- D. Confinement in prison

NOTE: Persons in the above categories have the legal right to continue to use their former residence for voting purposes and may continue to vote unless additional conditions or circumstances indicate they have forfeited that right in Washington. Any person instituting a voter registration challenge should be sure of the facts BEFORE signing the challenge affidavit.

AFFIDAVIT OF CHALLENGER

I,, declare, under penalty of perjury, that I am a registered voter, that I hereby challenge the voter's registration of for the reason indicated above. I also state that I have read the above stated PROVISIONS RELATING TO VOTING RESIDENCE and that, to the best of my knowledge and belief, the above named individual does not fall into any of the protected categories.

.....
DATE SIGNATURE OF CHALLENGER

VOTER'S REGISTRATION CHALLENGES

A SUMMARY OF ADMINISTRATIVE PROCEDURES

CHALLENGES FILED THIRTY OR MORE DAYS PRIOR TO A PRIMARY, SPECIAL OR GENERAL ELECTION

State law (RCW 29.10.140) requires the county auditor to notify, by certified mail, any voter whose registration has been challenged.

The notification must be mailed to the address at which the challenged voter is registered, to any address provided by the challenger as required by RCW 29.10.130, and to any other address that the auditor could reasonably expect the challenged voter might receive such notification.

Included with the notification must be a request that the voter appear at a hearing to be held within ten days of the mailing of the request, at the place and time specified, in order to assist the auditor in determining the validity of the challenge.

THE PERSON MAKING THE CHALLENGE MUST BE PROVIDED WITH A COPY OF THE NOTIFICATION AND REQUEST MAILED TO THE CHALLENGED VOTER.

If either the challenger or the challenged voter, or both, are unable to appear in person they may file affidavits, stating UNDER OATH the reasons they believe the challenge to be valid or invalid.

The county auditor shall determine the validity of the challenge based on his or her evaluation of the evidence presented by both parties to the challenge. The decision of

the auditor is final, subject only to a petition for judicial review under chapter 34.04 RCW.

CHALLENGES FILED WITHIN THIRTY DAYS OF A PRIMARY, SPECIAL OR GENERAL ELECTION

State law (RCW 29.10.130) provides that in the event the challenge is made within thirty days of an election, the voter and the precinct election officers within the voter's precinct are to be notified.

Both the challenged voter and the precinct election officers are also to be informed that in the event the voter attempts to vote at the ensuing election, he or she will be provided with a CHALLENGED BALLOT.

The validity of the challenge and the disposition of the challenged ballot will be determined by the county canvassing board and both the challenger and the challenged voter may either appear in person or submit affidavits in support of their respective positions.

In the event the challenged voter does NOT vote at the ensuing election, the challenge shall be processed in the same manner as challenges made more than thirty days prior to the election.

In the event the challenge is filed more than thirty days prior to a primary or election, the challenge shall be processed in the manner provided by RCW 29.10.140. If the voter votes and returns his or her absentee ballot prior to the county auditor making his or her determination as to the validity of the challenge, the returned ballot shall be segregated from other absentee ballots and not processed until such a determination is made. In the event the challenge is made within thirty days of a primary or election and prior to the absentee ballots being separated from the return envelopes, the challenge and the returned ballot shall be forwarded to the canvassing board and processed in the manner provided by RCW 29.10.127. If the challenge is made within thirty days of a primary or election but after the ballots have been separated from the return envelopes, the challenge shall be processed by the county auditor in the manner provided by law for challenges made more than thirty days prior to the primary or election.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-140 Requests for list of registered voters. ((In counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030,)) The county auditor shall require each person who requests a list of registered voters under the authority of RCW 29.04.100 and WAC ((434-24-130)) 434-324-130 to sign a request on a form substantially similar to the sample included below. ((The form shall be designated as Permanent Registration Form 14A.))

PERMANENT

REQUEST FOR LIST OF REGISTERED VOTERS

_____ County Auditor _____ Date

I request a listing of registered voters for the following precinct and/or taxing districts:

- computer printed list
- mailing labels
- magnetic tape

I understand that the County Auditor is required by law to furnish copies of current registration lists of registered voters in his possession to any person, upon request. PROVIDED: That such lists be used only for political purposes and shall not be used for commercial purposes. (RCW 29.04.100)

I further understand that any violation of RCW 29.04.100 relating to the use of lists of registered voters is a felony and shall be punished by imprisonment in the state penitentiary for a period of not more than five years or a fine of not more than five thousand dollars, or both such fine and imprisonment, in addition to possible civil penalties.

(Name of Requester (please print))

(Witness)

(Address)

(Approved by)

(Signature)

PERMANENT

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-160 ((Approval)) Review of automated voter registration systems. Each county ((which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030 shall submit to)) shall notify the office of the secretary of state of the intent to purchase or install a new automated voter registration system. The county shall submit a summary description of the automated voter registration system to be used by that county ((or by the governmental unit or firm with which the county contracts for maintenance of voter registration records)). Such summary description shall contain, but not be limited to the following:

- (1) ((Input formats;
- (2)) Data storage formats or record layouts;
- ((3) Output formats;
- (4)) (2) Samples of the outputs required by WAC ((434-24-080, 434-24-085, 434-24-105, 434-24-110, 434-24-

120, and 434-24-130)) 434-324-085, 434-324-105, 434-324-110, 434-324-120, and 434-324-130;

((5)) (3) Samples of any edit listings or other working output not specifically required by these regulations; and

((6)) (4) Any manuals of administrative procedure prepared for use by the elections staff of the county auditor or the data processing staff of that county or the governmental unit or firm with which the county contracts for maintenance of voter registration records.

((If the)) A county's automated voter registration system shall conform((s)) to all of the requirements of state law and of these regulations((, the office of the secretary of state shall approve and certify that system for use)). If the automated voter registration system fails to conform to all of the requirements of state law and these regulations, the office of the secretary of state shall notify the county auditor of the nature of the nonconformity. The county auditor shall correct the nonconforming aspects of the automated voter registration system and provide to the office of the secretary of state such evidence of the change or changes in the system as that office may deem appropriate.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-24-040 Oath of deputy registrars.
- WAC 434-24-055 Voter registration worksheet.
- WAC 434-24-070 Voters' request for transfer.
- WAC 434-24-080 Transmittal of transfers to the secretary of state.
- WAC 434-24-090 Voters' authorization to cancel registration.
- WAC 434-24-100 Cancellation for failure to vote.
- WAC 434-24-150 Subsidies for establishment of automated voter registration systems.
- WAC 434-24-155 Subsidies for maintenance of records on automated voter registration systems.
- WAC 434-24-170 Continuing review of automated voter registration systems.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-30-170 Electronic voting devices—Ballot form. Each office on the ballot (~~each office to be elected~~) shall be identified, along with a statement designating how many candidates are to be voted on for such office (e.g., vote for , with the words, "one," "two," or a spelled number). The office term shall be included on the ballot if such term is other than a full(~~regular~~) term (e.g., short/full term, two-year unexpired term, etc.). Each office(~~s~~) shall be listed on the ballot in the manner prescribed by law (~~and these~~) or administrative rule(~~s~~). (~~Immediately~~) Following (~~shall be~~) the office designation the names of all candidates for that position(~~each followed by the name or abbreviation of the~~) shall be listed together with political party(~~if any, with which the candidate desires to affiliate~~) designation or the word "nonpartisan," or "NP" (~~with an arrow, box, or other notation at the right edge of the ballot indicating where the voter is to punch or mark the ballot for the candidate~~) as applicable. Each office listed on the ballot shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with one vote response position for each party, where the voter may indicate their choice.

Candidate names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

Each position, with the candidates running for that office, shall be (~~separated~~) clearly delineated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate, if desired, on the ballot card, or a write-in space provided on the ballot envelope.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-30-180 Paper ballots and ballot cards—Numbering. All paper ballots and ballot cards shall be sequentially numbered(~~but done~~) in such a way to permit removal of such numbers without leaving any identifying marks on the ballot card. The sequential number shall be used (~~in a manner~~) to inventory ballots issued at a precinct on election day, and may be used (~~in a manner~~) to facilitate the auditing process for certification of an election. At no time may (~~there be a tracking system~~) the numbers be used to trace a specific ballot back to an individual voter. There shall be no marks on the ballot cards which would distinguish an individual voter's ballot card from other ballot cards.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-30-210 Paper ballots—Ballot form. Following ballot measures, each office to be elected shall be identified along with a statement designating how many candidates are to be voted on for such office (e.g., vote for , with the words, "one," "two," or a spelled number). Office term shall be included on the ballot if such term is other than a full(~~regular~~) term (e.g., short/full term, two-year unexpired term, etc.). Offices shall be arranged in the manner described in RCW 29.30.020. Immediately following shall be the names of all candidates for that position, (~~followed by the name or abbreviation of~~) together with the political party(~~if any, with which the candidate desires to affiliate~~) designation or the word "nonpartisan" or "NP." Each office to be elected shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with a single square to either the left or right in which the voter indicates their choice.

Candidates names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

There shall be a box at either the left or right of the name of each candidate so that a voter may clearly indicate the candidate or candidates for whom they wish to cast their vote.

Immediately following the list of candidates for a given position shall appear a blank space or spaces for writing in the name of a candidate, followed by a box to the right of the blank space.

REPEALER

The following sections of the Washington Administrative Code are repealed:

PERMANENT

WAC 434-30-100	Mechanical voting device ballot label uniformity.
WAC 434-30-110	Mechanical voting device instructions.
WAC 434-30-120	Mechanical voting devices—Office title label.
WAC 434-30-130	Mechanical voting devices—Ballot form.
WAC 434-30-140	Mechanical voting device diagrams.
WAC 434-30-220	Paper ballots—Numbering.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-34-090 Logic and accuracy test certification—State primary and general election. The secretary of state, the county auditor, and any political party observers shall certify that the test has been conducted in accordance with RCW ~~((29.34.163))~~ 29.33.350. Copies of this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary or election.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-34-110 Logic and accuracy test certification—Special election. The county auditor, and any political party observers shall certify that the test has been conducted in accordance with RCW ~~((29.34.163))~~ 29.33.350. Copies of this certification shall be retained by the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary of election.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-020 Definitions. As used in this chapter:

(1) "County auditor" means the county auditor in a noncharter county or the officer, irrespective of title, having the overall responsibility to maintain voter registration information and conduct state and local elections in a charter county, and his or her deputies or staff, where the context indicates;

(2) "Mail ballot ~~((special))~~ election" means an election conducted entirely by mail ballot where:

(a) Only issues or nonpartisan offices are on the ballot;

(b) The election is not being held in conjunction with a state primary or any general election; and

(c) The election involves precincts not regularly voting by mail at primary and general elections.

(3) "Mail ballot" means a ballot used in a mail ballot ~~((special))~~ election and does not include ~~((a ballot used in a precinct with fewer than one hundred registered voters regularly voting by mail in primary and general elections or))~~:

(a) A mail ballot precinct ballot;

(b) An absentee ballot issued at the request of the voter;

(4) "Mail ballot precinct ballot" means a ballot used in a precinct with fewer than two hundred active registered

voters regularly voting by mail in primary, general, and special elections;

(5) "Ballot security envelope" means the envelope which fits inside of the return envelope and in which the voter is instructed to seal his or her ballot so that, following the verification of the signature of that voter, the ballot cannot be distinguished from other valid ballots;

~~((5))~~ (6) "Return envelope" means the envelope in which the voter is instructed to seal his or her ballot security envelope and on which the voter signs and dates the affidavit that he or she has cast a vote in that special election;

~~((6))~~ (7) "Transmittal envelope" means the envelope in which the ballot, ballot security envelope, return envelope, and instructions are sent to the voter in a mail ballot special election; and

~~((7))~~ (8) "Secure storage" ~~((means a locked room, cabinet, or other space, where access is controlled by the county auditor and where a record is maintained by the auditor of the date, time, and name of any person, other than an employee of the auditor's office, to whom access is permitted))~~ in mail ballot elections shall be the same as "secure storage" defined in chapter 434-240 WAC.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-030 Request for mail ballot ~~((special))~~ election. At any nonpartisan, special election, not conducted in conjunction with a primary or general election, the jurisdiction requesting the election may also request that the election be conducted entirely by mail ballot. Such a request may be included in the resolution calling for the special election adopted pursuant to RCW 29.13.010 or 29.13.020, or it may be done by separate resolution. Not less than forty days prior to the date for which a mail ballot special election has been requested, the county auditor shall inform the requesting jurisdiction, in writing, that either (1) the request for the mail ballot special election is granted, pending approval of an election plan by the secretary of state, or (2) that the request for the mail ballot special election is not granted, for reasons specified. At the same time, the county auditor shall mail to the secretary of state a copy of the resolution for the mail ballot special election and a copy of the auditor's response.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-040 Mail ballot ~~((special))~~ election plan. A county auditor planning to conduct mail ballot ~~((special))~~ elections shall, not less than sixty days prior to the first such election, submit a ~~((standard))~~ mail ballot ~~((special))~~ election plan to the secretary of state. This plan shall ~~((remain on file in the office of the secretary of state and shall remain in effect for all mail ballot special elections unless amended by the county auditor))~~ only be required for and apply to the first mail ballot election in a county. The election plan shall be in check list form and shall specify the number of days before the election when certain activities are expected to be completed. The checklist may contain other activities, in addition to those listed here and may be arranged in a different chronological order, but otherwise shall be in substantially the following form:

DAYS PRECEDING THE ELECTION	ACTIVITY
.....	Ordering of ballots and ballot envelopes
.....	Layout ballot
.....	Materials to printer (including instructions to voters)
.....	Notification of postal authorities
.....	Notification of news media <u>and political parties</u>
.....	Receipt of ballot pages, ballot cards, or paper ballots and other printed material
.....	Preparation of mail ballot special election material
.....	Ballots mailed
.....	Extra personnel hired
.....	Extra personnel trained
.....	Begin initial verification of signatures
.....	Notice of election
(.....)	Last day to mail notification of lack of signature)

The ~~((standard))~~ mail ballot election plan may be amended at any time up to thirty-five days before the date of any mail ballot special election by notifying the secretary of state, in writing, of any changes. In addition to the ~~((standard))~~ mail ballot ~~((special))~~ election plan, the county auditor shall ~~((, for the first three mail ballot special elections in his or her county,))~~ provide the secretary of state with the following material:

- (1) A brief narrative of the arrangements made with the postal authorities;
- (2) ~~((A copy of the ballot layout, including the ballot title(s);~~
- ~~((3))~~ A brief narrative of the procedures to be followed from the time the ballots are received until they are tabulated;
- ~~((4) A floor plan of the working area where ballots will be processed, including approximate dimensions;~~
- ~~((5))~~ (3) Samples of ballot materials, instructions, legal notices, press releases, newspaper articles, and any other printed materials as they become available; ~~((and~~
- ~~((6))~~ (4) An estimate of the number of additional personnel to be hired; and
- (5) Any other materials the secretary of state may require.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-050 Review of the plan by the secretary of state. (1) Within five business days after the receipt of a ~~((standard))~~ mail ballot ~~((special))~~ election plan, an amendment to a special election plan, or election materials for a specific election, the secretary of state shall review the plan. If the secretary of state finds that, in his or her judgment, elements of the election plan, amendments to a plan, or election materials do not adequately provide for

secrecy of the ballots, prevention of fraud, or the accurate processing and canvassing of ballots, he or she shall immediately notify the county auditor of these exceptions. The county auditor and the secretary of state shall attempt to reach mutually acceptable modifications to the election plan, amendments to a plan, or election materials. In the event that no mutually acceptable agreement is reached, the secretary of state shall notify the county auditor, in writing, that he or she takes formal exception to the disputed elements of the plan, amendment to a plan, or election materials and of the reasons for his or her objections. He or she shall also provide copies of that notification to the other members of the county canvassing board and, if he or she deems appropriate, to the governing body of any jurisdiction for which a mail ballot special election has been scheduled in that county.

(2) The secretary of state ~~((may not take formal exception to any policies, procedures, or materials developed by the county auditor for the conduct of a mail ballot special election which do not directly affect secrecy of the ballot, prevention of fraud, or accurate processing and canvassing of the ballots. He or she))~~ may recommend changes to ~~((these))~~ any policies, procedures, or materials where, in his or her judgment, such changes would improve the administration of the election.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-060 Notice of election. In any mail ballot ~~((special))~~ election, the notice of election published pursuant to RCW 29.27.080 shall include the following:

- (1) The title of each office to be voted upon, if any;
- (2) The names and addresses of all candidates; and
- (3) The ballot titles of all ballot measures.

The notice shall also list:

- (a) The precincts that are voting by mail ballot only;
- (b) The location where voters may obtain replacement ballots; and
- (c) The location(s) where unmailed ballots may be deposited between the hours of 7:00 a.m. and 8:00 p.m. on the day of the election, and any other dates and times such locations will be open.

The auditor shall additionally notify local radio, television, and newspapers, if applicable, that the election is to be conducted by mail ballot only.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-070 Delivery of ballot to voter. Not sooner than twenty-five days nor later than fifteen days before any mail ballot ~~((special))~~ election, the county auditor shall send to each registered voter in the election district a ballot, a return envelope, a ballot security envelope, and instructions regarding the mail ballot election.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-080 Envelope specifications. ~~((All ballots, ballot security envelopes, and return envelopes shall be of uniform color and size for each jurisdiction conducting~~

PERMANENT

PERMANENT

~~a mail ballot special election. The county auditor may, however, use ballots, security envelopes, and return envelopes of uniform size for all jurisdictions conducting a mail ballot special election should he or she so desire. The envelope in which the ballot is mailed to the voter shall be clearly marked, "DO NOT FORWARD RETURN TO SENDER RETURN POSTAGE GUARANTEED." The return envelope shall bear the address of the issuing officer and the words, "OFFICIAL BALLOT DO NOT DELAY" prominently displayed on the front, and shall also bear the words "POSTAGE REQUIRED" in the upper right hand corner. The envelope shall contain a space for the voters name and address to be listed and shall also contain the following statement:~~

~~I, the undersigned, hereby state that I am a registered voter in Washington; that I am entitled to vote in this election; that I have not voted another ballot; and that I have completed this ballot in secret. I further understand that any person attempting to vote when he or she is not entitled or who falsely signs this affidavit shall be guilty of a felony, punishable by imprisonment of not more than five years or a fine of not more than five thousand dollars, or both such fine and imprisonment.~~

~~(signed)
(date of oath)))~~

The envelopes in which mail ballots are mailed to the voters shall be clearly marked with postal service endorsements to prevent forwarding of the ballot and ensure undeliverable ballots are returned to the county auditor with address corrections. In all other respects, mail ballot election envelopes shall conform to the requirements for absentee ballot envelopes provided in chapter 434-240 WAC.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-100 Depositing of ballots. Ballots may be deposited in the auditor's office at any time, during normal business hours, prior to the day of the election and from 7:00 a.m. to 8:00 p.m. on election day. The county auditor shall designate at least one other place of deposit within the jurisdiction holding the mail ballot special election whenever, in his or her judgment, having only the auditor's office as a place of deposit would unduly inconvenience the voter. If other places of deposit are designated, each shall be staffed ~~((by an employee of the auditor's office or))~~ by ~~((another))~~ two persons designated by the auditor. Whenever possible, the persons designated by the county auditor to staff places of deposit shall be representatives of each political party entitled to nominate precinct election officers pursuant to chapter 29.45 RCW. The person designated by the auditor shall not be an employee of the jurisdiction ~~((conducting the special election))~~ for whom the election is conducted and shall subscribe to an oath regarding the discharge of his or her duties, administered by the county auditor. All designated places of deposit shall be open from 7:00 a.m. until 8:00 p.m. on the day of the election and shall have a secure ballot box. The county auditor may designate additional dates and times during which any or all places of

deposit may be open prior to election day. The ballot box shall be constructed in such a manner that return envelopes, once deposited, may be removed only by the county auditor or the persons appointed to staff the place(s) of deposit. ~~((That))~~ These persons shall ensure that the affidavit on the return envelope is signed before the ballot is deposited in the ballot box. ~~((On election day, the person(s) staffing the designated place(s) of deposit shall place their initials and time of deposit on the return envelope.))~~ The person(s) staffing the designated place of deposit shall add the time and place of deposit to any ballot envelope deposited after 8:00 p.m. on election day. Such ballots shall be referred to the canvassing board for consideration.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-110 Obtaining replacement ballots.

Each county auditor shall designate his or her office or any other location within the jurisdiction requesting the mail ballot ~~((special))~~ election as the single place where voters may obtain a replacement ballot. Any voter seeking a replacement ballot must, prior to 8:00 p.m. on election day, return the original ballot if it was spoiled and sign a sworn statement in substantially the following form:

REPLACEMENT BALLOT REQUEST

I,, do hereby request a replacement ballot for the mail ballot ~~((special))~~ election to be held on in county, Washington, for the following reason (check one):

- I did not receive the ballot mailed to me.

or

- The ballot mailed to me has been damaged, lost, or destroyed.

I hereby certify, under penalty of law, that the above information is true and correct, and that I understand that attempting to vote more than once in any election is a violation of Washington election law.

.....
Signature of voter
.....
Address at which I
am registered to vote
.....

The above named individual appeared before me and has been issued a replacement ballot pursuant to the provisions of chapter 71, Laws of 1983 1st ex. sess.

.....
Signature of
issuing officer
.....
Date

The county auditor shall maintain a record of each replacement ballot so issued. Any absentee ballot request

made wherein the voter lists an address different from that to which his or her mail ballot has been or is to be mailed shall be handled as provided by RCW 29.36.030.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-120 Unsigned affidavit. If the voter neglects to sign the affidavit on the return envelope, the auditor shall ~~((notify the voter, either by telephone or by first class mail, of that fact. He or she shall advise the voter that, in order for the ballot to be counted, the voter must appear in person at the auditor's office not later than 8:00 p.m. on election day. A record shall be kept on the return envelope of the date on which the voter was contacted or on which the notice was mailed. Any notice by mail shall be in substantially the following form:~~

Dear Voter:

Your ballot for the forthcoming mail ballot special election to be held on has been received by this office. Unfortunately, you neglected to sign the affidavit on the reverse side of the return envelope, as required by state law.

Please appear in person at the location listed on this card and sign this affidavit no later than 8:00 p.m. on Your ballot cannot be counted unless the return envelope is signed.

ADDRESS:))

follow the procedures prescribed for unsigned affidavits in chapter 434-240 WAC.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-140 Verification of signatures— Process. ~~((If the auditor determines that the signature on the return envelope matches that on the voter registration card, he or she shall indicate on the envelope that a signature comparison has been made. No indication of a voter having cast a ballot shall be made on the voter registration file until a signature comparison has been made. In the event the auditor determines that the signatures do not match, or that the voter has voted more than once, he or she shall refer all such ballots and any other related materials to the county canvassing board. No ballot so referred shall be counted unless subsequent investigation reveals it to be a valid ballot and the canvassing board directs the auditor to accept it. The signature verification process shall be open to the public, subject to reasonable procedures promulgated by the county auditor to insure that order is maintained and to safeguard the integrity of the process.))~~ The county auditor shall verify signatures on the return envelopes in the same manner the canvassing board verifies signatures on absentee ballot return envelopes pursuant to chapter 434-240 WAC.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-180 Tallying of ballots. The county canvassing board, upon the request of the county auditor, may ~~((direct that,))~~ begin final processing of mail ballots on

hand after ~~((12:00 noon))~~ 7:00 a.m. on election day~~((, mail ballots on hand be counted. Any such count made prior to 8:00 p.m. must be done in secret and the results not revealed until after 8:00 p.m. Whenever any ballot is to be counted, the county auditor shall ensure that at least three election officers are present. Such officers shall be appointed as provided by RCW 29.45.010)).~~ The county auditor shall request in writing that each major political party appoint representatives to observe such counts. Anyone present shall subscribe to an oath of secrecy regarding divulging election returns prior to 8:00 p.m. election night. Any violation of the secrecy of the count shall be subject to the penalties provided in RCW ~~((29.54.035))~~ 29.85.225. During ~~((either the early count of ballots or the regular))~~ tabulation of ballots on election night in counties using electronic voting devices, political party observers may select up to ~~((ten))~~ three precincts and count by hand either the total number of ballots or the total number of votes cast for any single office or issue. This hand count may take place at any time after the ballots have been officially tabulated by the electronic vote tallying system, but must take place prior to the official certification of the election results. Except as otherwise provided by law or administrative rule, mail ballots shall be processed and canvassed in the same manner as absentee ballots.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-200 Maintenance of records. Each county auditor conducting a mail ballot ~~((special))~~ election shall maintain and retain complete documentation of the election. The documentation maintained shall include, but not be limited to, the following:

- (1) A copy of the resolution calling for the mail ballot election, if applicable;
- (2) A copy of the legal notice identifying the election as a mail ballot election;
- (3) The return envelopes which have been marked to indicate the signature had been verified, or a list containing the same data present on the return envelopes;
- (4) The sworn statement of each voter issued a replacement ballot; and
- (5) The master list indicating which voters cast ballots.

The retention period for this material and for the ballots themselves shall be the same as for absentee ballots, or until the resolution of any litigation arising out of the mail ballot election. Ballots and all related material shall be ~~((held in secure storage both before they are mailed and after they are returned))~~ stored in the same manner as materials used in other types of elections.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-210 Report to the secretary of state. Not later than ~~((seven))~~ sixty calendar days following the official canvass of any mail ballot ~~((special))~~ election, the county auditor shall report the results of that election to the secretary of state. Included in that report shall be:

- (1) The total number of eligible voters in the district;
- (2) The total number of ballots mailed;

PERMANENT

- (3) The total number of ballots returned (~~((listing those returned by mail and by deposit as separate subtotals)));~~
- (4) The total number of replacement ballots issued (~~((with separate subtotals for destroyed, lost, spoiled or not received original ballots)));~~
- (5) The total number of ballots accepted as valid and counted;
- (6) The total number of ballots rejected; (~~((included in the rejected ballot total shall be subtotals listing:

 - (a) The number of ballots received late;
 - (b) The number of ballots rejected because the return envelope bore no signature;
 - (c) The number of ballots rejected because the signature on the return envelope was not that of the registered voter to whom the ballot was issued; and
 - (d) The number of ballots rejected because the voter attempted to vote more than once;))~~
- (7) The official results of the election; and
- (8) An itemization of the cost of the mail ballot (~~((special))~~ election to the jurisdiction which requested it.

The auditor shall retain a copy of this report in his or her files, and shall provide a copy to the jurisdiction for which the mail ballot special election was conducted.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-36-130 Signature verification—Personnel.
- WAC 434-36-150 County canvassing board.
- WAC 434-36-190 Canvassing of ballots.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-40-010 Definitions. As used in this chapter:

- (1) An "elector" of the state of Washington is any person who qualifies under state or federal law as an overseas voter, service voter, or out-of-state voter and who:
 - (a) Is not currently a registered voter in Washington or any other state;
 - (b) Will be at least eighteen years of age at the time of the next election;
 - (c) Is a citizen of the United States;
 - (d) Is a legal resident of the state, county, and precinct for at least thirty days preceding the election at which he or she offers to vote;
 - (e) Is not currently being denied his or her civil rights by being convicted of a crime for which he or she could have been sentenced to the state penitentiary;
- (2) "Out-of-state voters," "overseas voters," "protected records voters," and "service voters" are electors of the state of Washington and are not registered voters of Washington or any other state; electors of the state of Washington who are spouses or dependents of service voters shall be considered to be either out-of-state voters or overseas voters;
- (3) "Service voters" are electors of the state of Washington who are outside the state during the period available for voter registration and who are members of the armed forces while in active service, are students or members of the faculty at a United States military academy, are members of

the merchant marine of the United States, are members of a religious group or welfare agency officially attached to and serving with the armed forces of the United States, or are certified participants in the address confidentiality program authorized by chapter ~~((23, Laws of 1991))~~ 40.24 RCW.

(4) "Canvassing" is that process of examining, in detail, a ballot, groups of ballots, election subtotals, or grand totals in order to determine the final official returns of a primary, special, or general election and in order to safeguard the integrity of the election process;

(5) "Canvassing board" or "county canvassing board" is that body charged by law with the duty of canvassing absentee ballots, of ruling on the validity of (~~((questioned))~~ special or challenged ballots, of verifying all unofficial returns as listed in the auditor's abstract of votes, and of producing the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chairperson of the board of the county legislative authority, or their representatives, designated pursuant to the provisions of WAC ~~((434-40-210))~~ 434-240-210;

(6) "Territorial limits of the United States" means the fifty United States and the District of Columbia;

(7) (~~((Blind voter is a voter who has no vision or whose vision with corrective lenses is so defective as to prevent performance of ordinary activities for which eyesight is essential, or who has an eye condition of a progressive nature which may lead to blindness;~~

(8) "Voter requiring assistance" is any voter who has a sensory or physical handicap that results in his or her inability to vote at a polling place without assistance; such assistance shall be provided in the manner set forth by RCW 29.51.200;

(9) "Disabled voter" is any blind voter, voter requiring assistance, or any voter who has:

- (a) Lost both lower limbs;
- (b) Lost normal or full use of the lower limbs to sufficiently constitute severe disability;
- (c) No ability to move without crutches or a wheelchair;
- (d) Lost both hands;
- (e) A lung disease where forced expiratory respiratory volume when measured by spirometry is less than one liter per second;
- (f) Cardiovascular disease classified as Class III or IV under American Heart Association standards;

(10) "Ongoing absentee ballot" is (~~((that absentee ballot provided to disabled voters and voters over the age of sixty-five, pursuant to the provisions of RCW 29.36.013))~~) a ballot provided to voters who have requested in writing to automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote, and provided to voters who are certified participants in the address confidentiality program, pursuant to the provisions of chapter ((23, Laws of 1991)) 40.24 RCW;

(~~((11))~~) (8) "Hospital absentee ballot" is that absentee ballot provided to voters confined to a hospital no earlier than five days before a primary or election, pursuant to the provisions of RCW 29.36.010;

(~~((12))~~) (9) "Special absentee ballot" is that ballot provided to registered voters and electors in state primary and general elections who indicate on their application that they believe they will be residing or stationed or working outside the continental United States at the time of the

PERMANENT

election and that they will be unable to vote and return a regular absentee ballot during the time period provided by law;

~~((13))~~ (10) "Regular absentee ballot" is that absentee ballot provided to voters or electors who request an absentee ballot and who do not either request or qualify for an ongoing absentee ballot, hospital absentee ballot, or special absentee ballot;

~~((14))~~ (11) "Secure storage" are those locations provided for the storage of all material connected with the absentee ballot process, including ballots, and shall be under the direct control of the county auditor (~~it shall be locked during those periods of time when the auditor's office is closed, and when the office is open, access shall be permitted only to the county auditor and to those persons authorized in writing~~). Secure storage shall employ the use of numbered seals and logs or any other security measures which will detect any inappropriate access to the secured materials when such materials are not being prepared or processed by the county auditor or persons authorized by the county canvassing board;

~~((15))~~ (12) "Challenged ballot" is that ballot issued to any voter whose registration has been challenged pursuant to the provisions of chapter 29.10 RCW and this chapter;

~~((16) "Questioned")~~ (13) "Special ballot" is that ballot issued to a voter by precinct election officers pursuant to WAC ~~((434-40-250))~~ 434-240-250 or whenever any doubt exists as to the voter's qualifications to vote in an election and no challenge has been made by either a registered voter or the precinct election officer.

~~((17))~~ (14) "County auditor" shall be as defined by RCW 29.01.043, and with respect to the processing of absentee ballots and applications, the term includes any employee of the county auditor who is directed in writing to perform those duties on behalf of the county auditor.

(15) "Mail ballot precinct" is any precinct containing less than two hundred active registered voters at the closing of voter registration under RCW 29.07.160 in which the county auditor has determined to conduct the voting by mail ballot.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-030 Application form for a regular absentee ballot. Each county auditor shall provide an application form for a regular absentee ballot. ~~((The form shall be no smaller than five inches by eight inches and may be produced in any format deemed suitable to each county.))~~ The form shall include, but not be limited to, the following:

(1) A space for the voter to print his or her name and address at which he or she is registered to vote;

(2) ~~((A space for the out of state or service voter to indicate his or her last permanent residence within the state of Washington;~~

~~(3))~~ An address to which the ballot is to be mailed;

~~((4))~~ (3) A space for the voter to indicate for which election(s) the application is made;

~~((5))~~ (4) A space for the voter to sign his or her name and the date the application is made.

Only the address of the county auditor may appear on any regular absentee ballot application as the return address to which the application is to be mailed.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-40-050 Ongoing absentee ballot application. Each county auditor shall provide an application form for an ongoing absentee ballot. This form may be produced in any format deemed suitable to each county ~~((but must be produced in a manner that is readable by vision impaired and elderly voters. The form should be printed in over-sized type and may be in distinctive colors))~~. The form shall include, as a minimum, the following information:

(1) ~~((A place to indicate that the voter is eligible for an ongoing absentee ballot because he or she is either disabled or over the age of sixty five or is a certified participant in the address confidentiality program authorized by chapter 23, Laws of 1991;~~

~~(2) A definition of disabled voter consistent with the definition appearing in WAC 434-40-010;~~

~~(3))~~ Space to provide the voter's printed name, the address at which the voter is registered to vote, including city and zip code;

~~((4))~~ (2) A space for the voter to sign his or her name ~~(;) and provide a telephone number (, and, if the voter is claiming status because of age, the date of birth))~~;

~~((5))~~ (3) A summary of the reasons for termination of status as an ongoing absentee voter ~~(;~~

~~Signatures on applications for ongoing absentee ballots shall be verified in the same manner as signatures on applications for regular absentee ballots. Ongoing absentee ballots shall be mailed to the address specified by the applicant on the application form).~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-40-060 Termination of ongoing absentee voter status. Status as an ongoing absentee voter shall be terminated upon the occurrence of any of the following:

(1) The cancellation of the voter's registration record;

(2) The written request of the voter;

(3) The death or disqualification of the voter;

(4) The return of an ongoing absentee ballot as undeliverable;

~~((5) January 1st of each odd numbered year, provided at least one general election has been held since the voter acquired status as an ongoing absentee voter;))~~

A service voter, as defined in RCW 29.01.155, who is a certified participant in the address confidentiality program authorized by chapter ~~((23, Laws of 1991))~~ 40.24 RCW, shall maintain ongoing absentee voter status throughout the term of their program participation ~~(;~~

~~All persons terminated from the status of ongoing absentee voter who do not automatically renew their status pursuant to the provisions of WAC 434-40-080 shall have their original application form retained by the auditor for a period of one year after the date of termination).~~

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-130 Incomplete application from elector. ~~((1) If an application for an absentee ballot from a registered voter or an elector does not contain the signature of the applicant, the auditor shall attempt to contact the applicant by whatever means deemed appropriate, including written notification pursuant to WAC 434-40-160, in order to obtain the signature.~~

~~((2)) If an application for an absentee ballot from an elector is received by the county auditor and it does not contain sufficient information to enable the auditor to issue the correct absentee ballot, the auditor shall, if in his or her judgment enough time exists to make such action practical, request that the elector provide the additional information in order to enable the auditor to mail the correct absentee ballot. If, in the judgment of the auditor, insufficient time exists to permit this action, the auditor may issue the absentee ballot that would be issued if the applicant had listed the courthouse as his or her legal residence. Upon its return, the ballot shall be referred to the county canvassing board, and only that part of the ballot containing candidates and measures common to the entire county, and any other offices or issues on which it can be conclusively determined the voter is qualified to cast a ballot, shall be tabulated.~~

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-160 Notification to voter of incomplete application. In addition to notification provisions required by WAC ~~((434-40-130))~~ 434-240-130, the county auditor shall notify any person submitting an absentee ballot application ~~((which))~~ that is not accepted of the reason why the application is not accepted. ~~((The notification provided shall be in substantially the following form:~~

NOTICE TO ABSENTEE BALLOT APPLICANT

~~Your application for an absentee ballot has been received in our office but we are unable to process it or issue you an absentee ballot for the following reason(s):~~

- ~~(-) LACK OF SIGNATURE — We must have your signature on the request before we can honor it. Please sign the enclosed application as you are registered to vote and return it to this office;~~
- ~~(-) NOT REGISTERED — We are unable to find a voter registration record for you in our files. Please contact our office to resolve this matter as soon as possible;~~
- ~~(-) REQUEST RECEIVED TOO LATE — Your request for an absentee ballot was received after the last day prescribed by law for the issuance of absentee ballots;~~
- ~~(-) OTHER~~

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-200 Absentee ballot—Instructions to voters. Included with each absentee ballot provided to applicants shall be instructions for properly voting the ballot and for returning it in a manner that will guarantee the voter secrecy of his or her ballot. The instructions shall include the following:

- (1) Detailed instructions for correctly marking the ballot;
- (2) Detailed instructions on how the voter may correct a spoiled ballot;
- (3) Instructions on how the voter is to complete and sign the affidavit on the return envelope;
- (4) Instructions on how the voter is to place his or her ballot in the security envelope and place the security envelope in the return envelope;
- (5) Instructions regarding postage, if required;
- (6) Notice to the voter that the ballot ~~((will be counted if it is))~~ must be postmarked not later than election day ~~((and if it is received by the county auditor not later than the tenth day following any special election or primary, or the fifteenth day following a general election))~~.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-240 Verification of the signature and postmark on absentee ballots. ~~((The county canvassing board shall examine the signature on the return envelope of all absentee ballots to ensure that the applicant is qualified to cast the ballot. The provisions of WAC 434-40-140 shall be applicable in determining the validity of the signature as it appears on the return envelope.))~~ An absentee ballot shall be counted only if:

- (1) It is returned in the return envelope;
- (2) The affidavit is signed by the registered voter to whom it was issued;
- (3) The signature has been verified by the county canvassing board;
- (4) It is postmarked not later than the day of the election or deposited not later than 8:00 p.m. on election day; and
- (5) The absentee ballot is received by the certification of the election.

The canvassing board must compare the signature on the return envelope, or on a copy of the return envelope, with the signature as it appears on the voter's voter registration card. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries. For service voters, overseas voters, and out-of-state voters the date of mailing shall be the date indicated by the voter on the return envelope, and any envelope which shows a date subsequent to the date of the primary or general election shall be referred to the county canvassing board for disposition. For all other absentee ballots, the date of mailing shall be the postmark, if present and legible. If

PERMANENT

the postmark is not present or legible, the date of mailing shall be considered the date indicated by the voter on the return envelope. All absentee ballots showing a postmark subsequent to the date of the primary or election, or a date indicated by the voter subsequent to the date of the primary or election if the postmark is missing or illegible, shall be referred to the county canvassing board for their disposition. The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-250 Absentee voter attempting to vote at the polls. In addition to maintaining a record of all persons requesting and being issued an absentee ballot, each county auditor will, to the extent time allows, make a notation on each poll list of the persons who have been issued an absentee ballot. Whenever any voter whose name has been so marked attempts to vote at the polling place, the precinct election officers shall issue that voter a ~~((questioned))~~ special ballot. The ~~((questioned))~~ special ballot shall be placed in an envelope, on the outside of which the words "~~((questioned))~~ special ballot" shall be printed. The envelope should then be sealed and care shall be taken to ensure that no marks appear on the outside of that envelope which might identify that voter. This envelope should then be placed in a larger envelope, on the outside of which shall be printed the words "~~((questioned))~~ special ballot." There shall also be space on this outer envelope for the precinct election officers to indicate the name and number of the precinct, the printed name, address, and telephone number of the questioned voter, and the reason why the special ballot is being ~~((questioned))~~ issued. The ballot should then be referred to the canvassing board for their disposition.

This regulation and WAC ~~((434-40-260))~~ 434-240-260 shall not apply to any county that does not tabulate absentee ballots until the poll books have been examined to ensure that no voter has voted twice.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-270 Maintenance of an audit trail on absentee ballots. Each county auditor shall maintain an audit trail with respect to the processing of absentee ballots which shall include, but not be limited to, the following:

- (1) A record of when each absentee ballot application was received, the date the ballot was mailed or issued, and the date the absentee ballot was received;
- (2) The number of absentee ballots issued and returned, by legislative and congressional district, for each primary and general election;
- (3) A record of the disposition of each request for an absentee ballot not honored;
- (4) A record of the disposition of each returned absentee ballot not counted;
- (5) A record of the time and place of each time the county canvassing board met to process absentee ballots;
- (6) A documentation of the security procedures undertaken to protect the integrity of the ballots after receipt,

including the seal numbers used to secure the ballots during all facets of the absentee ballot process;

(7) A reconciliation that all absentee ballots counted plus all absentee ballots rejected is equal to the total number of absentee ballots received.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-290 Security of absentee ballots. Following the tabulation of absentee ballots, they shall be kept in sealed ~~((or locked))~~ containers and in secure storage until the expiration of any time deadlines for a legal challenge to the results of the primary or election, and then should be retained by the county as long as required by state or federal law.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-40-070	Notice of termination as ongoing absentee voter.
WAC 434-40-080	Renewal of status as ongoing absentee voter.
WAC 434-40-140	Signature discrepancies.
WAC 434-40-170	Security of absentee ballot applications.
WAC 434-40-210	Canvassing board—Delegation of authority.
WAC 434-40-220	Canvassing board—Notice of open public meeting.
WAC 434-40-280	Challenge to the registration of absentee voters.
WAC 434-40-310	Absentee ballot—Credit for having voted.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-020 Election supplies—Polling place. Polling places shall be provided, at a minimum, with the following supplies at every election:

- (1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter;
- (2) Inspector's poll book;
- (3) Required oaths/certificates for inspectors and judges;
- (4) Sufficient number of ballots as determined by election officer;
- (5) Ballot containers;
- (6) United States flag;
- (7) Instruction signs for voters;
- (8) Challenge/~~((questioned))~~ special ballot envelopes;
- (9) Cancellation cards due to death;
- (10) Voting equipment instructions;
- (11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;
- (12) Keys and/or extra seals;
- (13) Pay voucher;
- (14) Ballots stub envelope ~~((purpose of audit trail))~~;
- (15) Emergency plan of action.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-030 Securing the ballot box. After the ballot box is determined to be empty, it shall be locked or sealed with a numbered seal as directed by the county auditor. If a lock is used, the key shall be retained by the inspector ~~((or the numbered))~~. If a numbered seal is used the seal shall remain on the ballot box until it is opened following the closing of the polls, or to permit the early tabulation of paper ballots, or the early pickup and transfer of ballots to the counting center.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-040 Verification of voter's name. All voters must provide their names to the precinct election officers so that verification can be made that the voter's name appears ~~((in the poll book or))~~ on the precinct list of registered voters. Upon verifying that the voter's name is ~~((in))~~ on the ((poll book or)) precinct list ((of registered voters (hereafter referred to as list))) any precinct election officer may challenge that voter's right to vote, as provided by law. If no challenge is made, the voter shall be issued a ballot and the sequence number of the ballot issued recorded next to the voter's name.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-090 Designation of poll watchers. All persons designated as poll watchers ~~((by any political party or committee))~~ shall be ~~((so))~~ designated in writing by the political party or committee that they represent. Such designation shall be signed by an ~~((appropriate))~~ officer of the party or committee. The auditor may require that a copy of this designation be filed with his or her office not later than the day prior to the primary or election and shall, whenever possible, ensure that a copy of the designation is provided to each affected polling place inspector. ~~((The inspector shall ensure that poll watchers have access to a record of who has voted but))~~ The inspector shall ((also)) ensure that absolutely no interference with voting takes place.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-100 Electronic voting devices—Identified for specific ~~((candidates))~~ offices or measures. In ~~((those))~~ counties using electronic voting devices ~~((and))~~ that employ a separate ballot, ((and)) where not all voters within a precinct or polling place are entitled to vote on all candidates or measures appearing ~~((on the ballot))~~ in that precinct or polling place, the voter shall be directed to a voting device ~~((where the ballot))~~ that contains only the appropriate offices and measures. Unless otherwise provided by law or ~~((these))~~ administrative rule((s)), if the ballots are segregated by the use of a prepunch or other machine-readable code, the voter may be directed to any voting device, provided~~((;))~~ the prepunch or code is designed to permit the tabulation of only those responses for which the voter was entitled to vote. Instructions shall be provided to the voter ~~((by))~~ identifying

~~((in))~~ within each device which ballot pages, or sections of ballot pages are applicable to the various ballot codes assigned to the voting device.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-120 Spoiled ballot procedures. If the voter spoils his or her ballot by mismarking it or otherwise damaging the ballot in such a way that it cannot be accurately tabulated to reflect the voter's intent, the voter shall return the spoiled ballot to the precinct election officer. The precinct election officer shall then render the spoiled ballot unusable, make ~~((the))~~ an appropriate notation on the poll book or list, and issue the voter a new ballot or ballot card. Spoiled ballots shall be clearly identified as such, and returned to the county auditor in a manner which permits the segregation of such ballots from other ballots. Precinct election officers shall ensure that an adequate audit trail exists for all spoiled ballots.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-150 Closing the polls. At the prescribed closing time, the inspector shall announce aloud that the polls are closed, the doors to the polling place shall be shut, and no further persons shall be allowed to enter to vote. All persons within the polling place at the time ~~((the))~~ closing is announced shall be permitted to complete the process of voting. The doors to the polling place shall remain unlocked until the election officials depart at the completion of their work, so that the work of accounting for the ballots and other voting material may be observed by interested parties.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-160 Ballot accountability—Form for recording. Precinct election officials shall maintain accountability for all ballots issued for each precinct. The county auditor shall provide a ballot accountability sheet with each ~~((poll book or))~~ list of registered voters for each precinct or combination of precincts, upon which shall be recorded, at a minimum, the following information:

- (1) Identification of the precinct or combination of precincts;
- (2) The number of ballots issued;
- (3) The number of used ballots which are ~~((questioned))~~ special or challenged;
- (4) The number of issued ballots that are spoiled.

At the closing of the polls, the ballots of each category enumerated in subsections (1) through (4) of this section shall be counted and recorded on the ballot accountability sheet ~~((as required by these rules)).~~ The accountability sheet shall be maintained with the ~~((poll book or))~~ precinct list. The precinct election ((officials)) officers shall attest to the accuracy of the ballot accountability sheet by each signing in the spaces provided. The ballot accountability sheet ~~((along with))~~ and the ((poll book or)) precinct list, shall be placed in the appropriate container for return to the counting center or auditor's office. The inspector shall remove and retain a copy of the list of participating voters

as the "inspector's copy" for the statutorily required retention period.

~~(In addition,)~~ Whenever anything occurs at a polling place that the precinct election officers feel may ~~((assist the auditor in explaining any discrepancies that may be discovered when the auditor's office reconciles the various election totals prior to certification))~~ create a discrepancy in accounting for all of the ballots, the election officers shall note such events. The auditor may direct that such comments be included with the ballot accountability form or may be included on a separate comments sheet. If a separate sheet is used, it shall be signed by the precinct election officers.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-170 Audit trail for unused ballots. After the polls have closed, and before the container holding the voted ballots is opened, the ~~((unused))~~ unvoted ballots shall be rendered unusable. The unusable ballots shall then be placed in ~~((a special))~~ an envelope or container marked "unused ballots," the envelope or container shall be sealed, and placed into the ~~((pouch or))~~ container provided for the return of voting materials to the counting center or auditor's office. The unused ballots must not be placed in the same container as the regular voted ballots.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-190 Disposition of irregularly voted ballots. All ~~((irregularly))~~ irregular voted ballots, including ~~((questioned))~~ special, challenged, and absentee ballots, if any, shall be ~~((sorted))~~ separated from the regular voted ballots. The ~~((questioned))~~ number of special and challenged ballots, if any, shall be ~~((counted and the number))~~ recorded on the ballot accountability sheet. The irregularly voted ballots, each in their own individual sealed and marked envelopes, shall then be placed in a transfer case or other secure container and the container sealed ~~((therein))~~. The number of irregularly voted ballots may also be recorded on the outside of the container. The sealed container shall then be returned to the counting center or auditor's office.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-200 Count of voted ballots. After the ~~((irregularly))~~ irregular voted ballots have been sorted, counted and secured, the ~~((other))~~ regular voted ballots shall be removed from the ballot box and counted, and the number recorded on the ballot accountability sheet. County auditors may require additional procedures to permit the segregation of various types of voted ballots.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-210 Preparing voted ballots for transfer. After the ballot accountability sheet is signed, in those counties where ballots are not tabulated at the polling place, the voted ballots shall be placed in a transfer container for transfer to the counting center, either directly or via a ballot collection station. There shall be placed either inside

the container or attached to the outside of the container, a transmittal sheet which ~~((as))~~ at a minimum shall identify the precinct or precincts represented by the ballots, the number of ballots in the container, and, if a seal is used, the seal number of the seal to be used on the container. The inspector and one judge from each political party shall sign the transmittal sheet attesting to the number of ballots and the serial number of the seal. The transfer container shall then be locked and the seal fastened.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-220 Transfer of ballots prior to closing of the polls. The county auditor may authorize an early pick up of ballots from designated polling places prior to the closing of the polls. Where so authorized, the precinct election officers at the designated polling places shall remove the voted ballots from the voted ballot ~~((box or pouch))~~ container at ~~((the))~~ a time specified ~~((time))~~ by the auditor and count ~~((them))~~ the number of ballots. The count shall be entered on the ballot accountability sheet, a transmittal sheet completed and signed, and the ballots sealed in a transfer container in the same manner ~~((as))~~ used for the closing of the polls. The transmittal sheet may be ~~((sealed))~~ placed with the ballots or it may be attached to the outside of the transfer container. The election officials shall not leave the polling place. ~~((A))~~ Ballot pickup ~~((team or))~~ teams, consisting of representatives of each major political party and appointed by the county auditor for that purpose, shall be assigned to pick up the transfer containers for return to the counting center.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-230 Sealing the ballot pages appearing in voting devices. In polling places where voting devices are used, the county auditor shall ensure that adequate procedures are in place to permit the ballot pages within the voting device to be sealed following the election. This shall be done in such a way so that the ballot pages cannot be altered or otherwise tampered with, and in a manner that will provide an audit trail from ballot to precinct. This may be accomplished by securing the entire device by means of an external seal, or by securing and sealing the ballot ~~((itself))~~ pages themselves.

If a unique numbered ~~((wire))~~ seal is used, a certificate shall be placed inside the device signed by the precinct election officials ~~((witnessing))~~ recording the serial number of the seal. If some other means of sealing is used, a certificate, signed by the election officials, shall be provided to identify the seal by some appropriate means. The certificate, if not secured inside, ~~((will))~~ shall be returned to and retained by the county auditor.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-270 Counting of ballots after polls close. The counting and tabulation of ballots after the polls close ~~((for voting))~~ shall be public and may be witnessed by any citizen.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-280 Paper ballots—Counting and tabulation—Procedure. The procedure for the counting and tabulation of paper ballots at polling places shall be as follows:

(1) The inspector shall carefully examine each ballot and shall read aloud the name of each person receiving a vote and the office for which the vote for that person is cast, and the vote for and against each proposition on the ballot;

(2) The judge, representing the opposite political party of the inspector, shall observe the reading of the votes;

(3) The second judge shall tally the votes, as read, in the vote tally books provided by ~~((and to))~~ the county auditor. These tally books shall be returned to the county auditor at the election center;

(4) The clerk, if one is assigned, representing the opposite political party of the second judge shall, at the same time, tally the votes, as read, in the tally book provided by the auditor but retained by the inspector;

(5) The inspector and the judge observing the reading of the votes may rotate their duties from time to time upon agreement.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-290 Counting and tabulation of paper ballots where more than one set of precinct election officers are appointed—Procedure. In paper ballot precincts, when two or more teams of precinct election officers have been appointed as provided in RCW 29.45.050 the following procedure shall apply:

(1) The teams or teams designated as the counting board or boards shall commence the tabulation of the primary or election ballots at a time set by the county auditor;

(2) A second ballot container for receiving ballots shall be used, and the first ballot container shall be closed and delivered to the counting board or boards: *Provided*, That there have been at least ten ballots cast. The counting board or boards shall at a time set by the auditor proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot container to the inspector and judges conducting the election and the latter shall then deliver to the counting board or boards the second ballot container, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot containers shall continue until the polls are closed, after which the election board conducting the election shall conclude their duties and the counting board or boards shall continue until all ballots are counted;

(3) The receiving board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns and the delivery of the official returns, together with the election supplies, to the county auditor;

(4) The oaths of office for all precinct election officials, when two or more sets of officials are employed, shall be as required by law.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-300 Paper ballots—Count continuous—When duties completed. In a paper ballot precinct, the ballot container shall not be removed from the polls nor shall the counting of the votes be discontinued until all are counted except as provided in WAC ~~((434-xx-xxx))~~ 434-253-260. The duties of the precinct election officers counting ballots in such precincts shall not be complete until it is determined that:

(1) A recheck of the tally marks accurately reflect the total vote credited to each candidate and the total vote credited for and against each proposition;

(2) The total number of votes cast for all candidates for a single position to be filled does not exceed the number of voters who have signed the poll book;

(3) The records of the votes in each tally book are the same.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-61-010 Counting center location—Direction of proceedings. In counties using voting devices and vote tallying systems where the ballots are to be processed and/or tabulated at a location other than the precinct, the county auditor shall designate a location to serve as the counting center. If that location is other than the courthouse or county election office, the auditor shall include the location of the counting center in the published notice of elections. The county auditor shall be responsible for all counting center functions. Within the counting center, no person except those authorized by the county auditor may touch any ballot or ballot container, or operate a vote tallying system. The auditor shall identify either by roster or identification tag, or both, those persons so authorized. The vote tallying process shall be open to the public to the extent that public observation does not interfere with the proceedings or jeopardize the security of the ballots. The auditor shall establish local administrative rules pertaining to public observers including the media and how they may be accommodated and the necessary limitations thereto. ~~((A copy of any local administrative rules under this section shall be filed with the secretary of state.))~~

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-61-020 Counting center—Political party observers. Counting center operations shall be observed by at least one representative from each political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.

Prior to the primary or election, the county auditor shall determine the number of observers required in order to observe all aspects of the counting center proceedings, and shall request, in writing, that each major political party appoint representatives to fill the requirements. Where more than one observer is to be appointed, the political party shall designate one of their observers as supervisor. Counting center observers shall be provided training with respect to

ballot processing procedures and the vote tallying system as required by RCW 29.33.340.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained as provided in subsection (2) of this section.

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-61-040 Receipt of ballots at the counting center. Immediately upon the receipt of voted ballots in transfer containers from the polling places or collection stations, the seal or lock on each ballot container shall be examined to ensure that it is intact. The precinct name or number, time of receipt, and seal number of each container shall be recorded on a transfer case receipt log, and the log shall be initialed by the persons receiving them.

Upon the breaking of the seal and the opening of the container, ~~((a comparison))~~ the seal number shall be compared with the transmittal sheet accompanying the container ((shall be made)). ((If no lock or seal exists, or if a discrepancy is noted between the information recorded on the transmittal sheet and the seal, the county auditor shall immediately be notified. The nature of the discrepancy shall be entered on the receipt log, the container set aside, and the ballots contained therein not tallied until the discrepancy is resolved. If the container has no seal or the seal has already been broken, it shall be considered a discrepancy and handled in the same manner. If the auditor cannot resolve the discrepancy or arrive at a satisfactory explanation for the discrepancy, the ballots shall be set aside and referred to the canvassing board for their consideration as provided by this rule.)) If no discrepancy exists, a notation shall be made on the ballot receipt log and the ballots shall be forwarded to the next station in the counting center process.

~~((Where a discrepancy does exist and the matter cannot be resolved, the ballots shall be treated as ballots for which a question of validity has arisen, and shall be processed as provided for by law or administrative rule (see chapter 434-62-WAC).))~~ If no seal exists, or if a discrepancy is noted between the information recorded on the transmittal sheet and the seal, the county auditor shall immediately be notified. The nature of the discrepancy shall be entered on the receipt log, the container set aside, and the ballots contained therein not tallied until the discrepancy is resolved. The log shall list the precinct, the nature of the discrepancy, and the corrective action taken. If the county auditor cannot resolve the discrepancy or arrive at a satisfactory explanation for the discrepancy, the ballots shall be treated as ballots for which a question of validity has arisen, and shall be set aside and referred to the canvassing board for their consideration

as provided by law or administrative rule (see chapter 434-262 WAC).

NEW SECTION

WAC 434-61-010 through 434-61-060, as amended, are recodified as a new chapter, to be designated chapter 434-261 Washington Administrative Code, and internal references are updated accordingly.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-61-050 Handling of transfer container discrepancies.

AMENDATORY SECTION (Amending Order 80-3, filed 10/3/80)

WAC 434-62-030 Auditor's abstract of votes. No later than the tenth day following any primary or special election and the fifteenth day following any general election the county canvassing board shall meet and canvass all absentee ballots not previously processed under the provisions of chapter 29.36 RCW, together with all ~~((questioned))~~ special and challenged ballots. Upon completion of this canvass the board shall direct the county auditor to include all absentee ballot totals and all challenged and ~~((questioned))~~ special ballot totals, or legislative district subtotals if applicable, in the preliminary abstract of votes prepared pursuant to WAC ~~((434-62-020))~~ 434-262-020. The county auditor shall then add these totals to the existing precinct totals. The ensuing report, containing a count of all ballots cast in the election, subtotal reports by legislative district, and county-wide totals shall constitute the auditor's abstract of votes.

AMENDATORY SECTION (Amending Order 80-3, filed 10/3/80)

WAC 434-62-040 Verification of auditor's abstract of votes. The county canvassing board shall examine the auditor's abstract of votes and shall verify that all of the individual precinct and absentee ballot totals have been included in the abstract and that the subtotals and county-wide totals for registered voters and votes cast are an accurate reflection of the sum of those individual precinct and absentee ballot totals. ~~((This verification shall be accomplished, in counties with fewer than 100,000 registered voters, by directing the county auditor or his or her representative to add these individual precinct and absentee ballot totals in the presence of the canvassing board manually or by using an adding machine. The canvassing board shall then compare the subtotals and totals produced in this manner against the subtotals and totals as they appear on the auditor's abstract of votes and verify that the figures are identical. In counties with more than 100,000 registered voters the adding machine tapes or manual totals may be produced prior to the meeting of the canvassing board, but in such counties the canvassing board shall carefully compare the preproduced subtotals and totals against the subto-~~

~~tals and totals as they appear on the official abstract of votes and verify that the two sets of figures are identical.)~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-350 Canvassing procedure for a ~~((questioned))~~ special ballot of a protected records voter. A ~~((questioned))~~ special ballot, as defined in WAC ~~((434-40-010))~~ 434-240-010, of a protected records voter shall be presented to the canvassing board, meeting in executive session. The canvassing board shall designate authorized personnel to verify the contents of the ballot. Authorized personnel shall remove the protected records voter envelope, prepare the ballot in the ballot security envelope, and verify the contents of the ballot for tabulation. The return envelope and the protected records voter envelope shall be placed in security with all other voting records for the program participant. The discardable envelopes may be destroyed under statutory provisions applicable to election materials.

NEW SECTION

WAC 434-228-005 Filing information—Questionnaire—Compiling and dissemination. Prior to May 1 of each year, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29.13.010 and 29.13.020. The purpose of the questionnaire shall be to confirm information which the auditor may disseminate to the public regarding the filing for elective offices. The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, the annual salary for the position at the time of the filing period, and the statutory reference for candidate eligibility. Responses should be received prior to June 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period.

NEW SECTION

WAC 434-240-205 Replacement absentee ballots. The county auditor may issue replacement absentee ballots to a voter who both:

- (1) Requested an absentee ballot prior to election day; and
- (2) Did not receive the absentee ballot or whose absentee ballot was damaged, lost, or destroyed.

A voter may request an absentee replacement ballot in person, by mail, by telephone, or by other electronic transmission for himself or herself and for any member of his or her immediate family. The request must be received by the auditor prior to 8:00 p.m. on election day.

The county auditor shall maintain a record of each replacement ballot issued, including the date of the request. Replacement absentee ballots shall be counted in the final tabulation of ballots, and shall only be tabulated if the original ballot is not received by the county auditor and the replacement ballot meets all requirements for tabulation necessary for the tabulation of regular absentee ballots.

NEW SECTION

WAC 434-240-225 Definitions regarding absentee ballots. For purposes of the counting and canvassing of absentee ballots:

(1) "Initial processing" means all steps taken to prepare absentee ballots for tabulation, except for the reading of ballots by an electronic vote tallying system. Initial processing includes, but is not limited to: Removal of the security envelope from the return envelope; removal of the ballot from the security envelope; manual inspection for damage, for write-in votes, and for incorrect or incomplete marks; duplication of damaged and write-in ballots; and other preparation of ballots for final processing.

(2) "Final processing" means the reading of ballots by an electronic vote tallying system, but does not include tabulation.

(3) "Tabulation" means the production of returns of votes cast regarding candidates or measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

NEW SECTION

WAC 434-261-005 Definitions. (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot upon breaking the seals and opening the ballot containers from the precincts or, in the case of precinct counting systems, prior to the certification of the election;

(2) "Duplicating ballots" is the process of copying valid votes from ballots that may not be properly counted by the electronic voting equipment to blank ballots of the same type and style, or as directed by the canvassing board;

(3) "Ballot enhancement" is the process of adding or covering marks on a ballot to ensure that the electronic voting equipment will tally the votes on the ballot in the manner intended by the voter, or as directed by the canvassing board.

NEW SECTION

WAC 434-261-070 Manual inspection of ballots. Upon breaking the seals and opening the ballot containers from the precincts, all voted ballots shall be manually inspected for damage, write-in votes, incorrect or incomplete marks, and questions of voter intent. The same manual inspection process shall apply to absentee ballots, mail ballot precinct ballots, and vote-by-mail ballots. This manual inspection shall include examining each voter response position, and is a required part of processing ballots used with all electronic vote tabulating systems.

If the manual inspection process detects any ballots which might not be correctly counted by the tabulating equipment, the county may either:

- (1) Refer the ballots to the county canvassing board;
- (2) Duplicate the ballots if the intent of the voters is clear; or
- (3) Enhance the ballots if the intent of the voters is clear and enhancement can be accomplished without permanently obscuring the original marks of the voters.

NEW SECTION

WAC 434-261-080 Ballot enhancement. Ballots shall only be enhanced when such enhancement will not permanently obscure the original marks of the voters. Ballots shall be enhanced by teams of two or more people working together. When enhancing ballots, the county shall take the following steps to create and maintain an audit trail of the actions taken with respect to those enhanced ballots:

(1) Each ballot to be enhanced must be assigned a unique control number, with such number being marked on the face of the enhanced ballot;

(2) A log shall be kept of the ballots enhanced and shall include at least the following information:

- (a) The control number of each ballot enhanced;
 - (b) The initials of at least two people who participated in enhancing each ballot; and
 - (c) The total number of ballots enhanced;
- (3) Enhanced ballots and ballots to be enhanced shall be sealed into secure storage at all times, except when said ballots are in the process of being enhanced, are being tabulated, or are being inspected by the canvassing board.

NEW SECTION

WAC 434-261-090 Ballot duplication. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots shall be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the actions taken with respect to those duplicated ballots and the corresponding duplicate ballots:

(1) Each ballot to be duplicated and the corresponding duplicate ballot must be assigned a unique control number, with such number being marked upon the face of each ballot, the purpose being to insure that each duplicate ballot may be tied back to the original ballot;

(2) A log shall be kept of the ballots duplicated and shall include at least the following information:

- (a) The control number of each ballot duplicated and the corresponding duplicate ballot;
- (b) The initials of at least two people who participated in the duplication of each ballot; and
- (c) The total number of ballots duplicated;

(3) Duplicated ballots and the corresponding duplicate ballots, as well as ballots requiring duplication shall be sealed into secure storage at all times, except when said ballots are in the process of being duplicated, are being tabulated, or are being inspected by the canvassing board.

NEW SECTION

WAC 434-261-100 Written procedures. Written procedures shall be established detailing the situations in which ballots may be enhanced or duplicated. These procedures shall be included as a part of the county canvassing board manual.

NEW SECTION

WAC 434-262-015 Canvassing board—Delegation of authority. The county auditor, prosecuting attorney, and chair of the county legislative authority, or designees as per RCW 29.62.015, shall be responsible for the performance of all duties of the county canvassing board, as set forth in chapters 29.36 and 29.62 RCW, and the rules on canvassing adopted by the secretary of state. These duties shall be performed by the members of the board, or they may delegate in writing representatives to perform these duties. This written delegation of authority shall be filed with the county auditor prior to any person undertaking any action on behalf of the board. In no instance may the members of the county canvassing board delegate the responsibility of certifying the returns of any primary or election, of determining the validity of any challenged ballots, or of determining the validity of any special ballots referred to them by the county auditor, to anyone other than a person authorized by law to act on their behalf.

NEW SECTION

WAC 434-262-025 Canvassing board—Notice of open public meeting. All activities of the canvassing board shall be open to the public, although they may limit the number of persons observing any aspect of the process whenever, in their judgment, it is necessary to do so to preserve order and to safeguard the integrity of the process. The canvassing board may adopt and promulgate rules and regulations, not inconsistent with the provisions of this section, to ensure that the process is open to the public and that the procedures themselves are performed by the board free of any outside interference. The auditor shall publish notice of the meetings of the canvassing board. Such notice or notices shall be in substantially the following form:

OPEN PUBLIC MEETING NOTICE

The canvassing board of (Name of County) County, pursuant to chapter 29.62 RCW, will hold public meetings at (Time of Meetings), (Dates), at (Locations), to (Purpose of Meetings). These meetings of the canvassing board are open, public meetings, and shall be continued until the activity for which the meetings are held has been completed.

A record of the proceedings of the county canvassing board shall be made and maintained in the county auditor's office, and shall be available for public inspection and copying. The record shall be retained for the same time period required by law for the retention of absentee ballots.

NEW SECTION

WAC 434-262-035 Canvassing board—Absentee ballot signature verification. The county canvassing board shall examine each absentee ballot and related material and shall determine whether or not the ballot is to be counted. The canvassing board may employ local law enforcement officials or any other persons they deem necessary to assist them in this effort. In the event the canvassing board determines the absentee ballot is to be counted, they shall direct the county auditor to do so. In the event the canvassing board determines that the signature on the absentee ballot

was not made by the voter to whom the ballot was issued or that the voter has attempted to vote more than once, they shall direct the auditor to refer all such ballots and related materials to the prosecuting attorney.

NEW SECTION

WAC 434-262-045 Canvassing mail ballots. Except as otherwise provided by law or administrative rule, mail ballots shall be canvassed in the same manner as absentee ballots issued at the request of the voter. To be counted, such mail ballots must be deposited at a designated place of return not later than 8:00 p.m. on election day or postmarked not later than the day of the election. In the event the postmark is missing or illegible, the county canvassing board may rely on the date of the oath signed by the voter on the outside of the return envelope. Any mail ballot may be challenged in the same manner as absentee ballots are challenged, and the county canvassing board must determine that the challenged ballot is valid before it may be counted.

NEW SECTION

The following sections of the Washington Administrative Code, as amended, are recodified as follows:

Old WAC Number	New WAC Number
434-09-010	434-209-010
434-09-020	434-209-020
434-09-030	434-209-030
434-09-040	434-209-040
434-09-050	434-209-050
434-09-060	434-209-060
434-09-070	434-209-070
434-09-080	434-209-080
434-09-090	434-209-090
434-24-010	434-324-010
434-24-015	434-324-015
434-24-020	434-324-020
434-24-025	434-324-025
434-24-030	434-324-030
434-24-035	434-324-035
434-24-050	434-324-050
434-24-060	434-324-060
434-24-085	434-324-085
434-24-095	434-324-095
434-24-105	434-324-105
434-24-110	434-324-110
434-24-115	434-324-115
434-24-120	434-324-120
434-24-130	434-324-130
434-24-140	434-324-140
434-24-160	434-324-160
434-28-012	434-228-012
434-28-020	434-228-020
434-28-050	434-228-050
434-28-060	434-228-060
434-30-010	434-230-010
434-30-020	434-230-020
434-30-030	434-230-030
434-30-040	434-230-040
434-30-050	434-230-050
434-30-060	434-230-060

434-30-070	434-230-070
434-30-080	434-230-080
434-30-090	434-230-090
434-30-160	434-230-160
434-30-170	434-230-170
434-30-180	434-230-180
434-30-190	434-230-190
434-30-200	434-230-200
434-30-210	434-230-210
434-34-010	434-334-010
434-34-015	434-334-015
434-34-020	434-334-020
434-34-025	434-334-025
434-34-030	434-334-030
434-34-035	434-334-035
434-34-040	434-334-040
434-34-045	434-334-045
434-34-050	434-334-050
434-34-055	434-334-055
434-34-060	434-334-060
434-34-065	434-334-065
434-34-070	434-334-070
434-34-075	434-334-075
434-34-080	434-334-080
434-34-085	434-334-085
434-34-090	434-334-090
434-34-095	434-334-095
434-34-100	434-334-100
434-34-105	434-334-105
434-34-110	434-334-110
434-34-115	434-334-115
434-36-010	434-236-010
434-36-020	434-236-020
434-36-030	434-236-030
434-36-040	434-236-040
434-36-050	434-236-050
434-36-060	434-236-060
434-36-070	434-236-070
434-36-080	434-236-080
434-36-090	434-236-090
434-36-100	434-236-100
434-36-110	434-236-110
434-36-120	434-236-120
434-36-140	434-236-140
434-36-160	434-236-160
434-36-170	434-236-170
434-36-180	434-236-180
434-36-200	434-236-200
434-36-210	434-236-210
434-40-005	434-240-005
434-40-010	434-240-010
434-40-020	434-240-020
434-40-025	434-240-025
434-40-030	434-240-030
434-40-040	434-240-040
434-40-050	434-240-050
434-40-060	434-240-060
434-40-090	434-240-090
434-40-100	434-240-100
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WSR 97-21-050
PERMANENT RULES
SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY

[Filed October 13, 1997, 10:42 a.m.]

Date of Adoption: September 16, 1997.

Purpose: Southwest Air Pollution Control Authority is repealing SWAPCA 401 and using only chapter 173-401 WAC for implementation of the Title V Air Operating Permit Program in SWAPCA jurisdiction. This action will make SWAPCA consistent with the other local air authorities.

Citation of Existing Rules Affected by this Order: Repealing SWAPCA 401.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under preproposal statement of inquiry filed as WSR 97-13-027 on June 11, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 34.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 34.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 October 8, 1997

Robert D. Elliott
 Executive Director

WSR 97-21-052
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed October 13, 1997, 3:41 p.m.]

Date of Adoption: October 10, 1997.

Purpose: To implement SSB 5227 by establishing a procedure and fee schedule by which the acquisition of a nonprofit hospital or public hospital district hospital is reviewed and approved or disapproved by the department.

PERMANENT

Statutory Authority for Adoption: Section 14, chapter 332, Laws of 1997.

Adopted under notice filed as WSR 97-18-090 on September 3, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 2, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
October 10, 1997

Bruce A. Miyahara
Secretary

NEW SECTION

WAC 246-312-010 Purpose. The purpose of this chapter is to implement chapter 332, Laws of 1997, the nonprofit hospital sales review program. The legislature has determined that the state has an interest to assure the continued existence of accessible, affordable health care facilities. To achieve this goal the department of health is responsible for reviewing and approving the acquisition of nonprofit hospitals by for-profit entities. The department may approve an acquisition of a nonprofit hospital only if it determines that the nonprofit hospital has taken appropriate steps to safeguard charitable assets and any proceeds of the acquisition are used for appropriate charitable health and health care purposes.

NEW SECTION

WAC 246-312-990 Fees. (1) The department will assess on the acquiring party a nonrefundable application processing fee, a review fee and other charges as authorized in chapter 332, Laws of 1997. The fees shall consist of the following:

	Nonrefundable Processing Fee
Processing Fees	
Each New Application will be subject to a	\$1,000
Each Amendment to an application undergoing review will be subject to a	\$ 500
Type of Acquisition Description	Review Fee
Acquisition of 20% or more of the assets of the hospital	\$40,000
Change in current ownership position that results in acquiring party holding or controlling 50% or more	

of the hospital assets	\$50,000
Any Other Change in Ownership	\$60,000
Amendment to an approved Change of Ownership	\$15,000
Other Fees (When Applicable)	Fee Amount
Exemption Determinations	\$ 250
Fair Market Value Determination-Nonrefundable	\$ Based on Contracted Amount
Public Health Services District-Voluntary Review	\$ To be billed at Cost
On-Site Compliance Visit-Non-refundable	\$ To be billed at Cost
Attorney General Opinion-Non-refundable	\$ As billed to the department by the attorney general's office

(2) When an applicant submits a written request to withdraw an application, the department shall refund the review fee using the following schedule:

Time Period For Requesting Withdrawal of Application	Amount of Review Fee to be Refunded
Within 10 working days after receipt of the completed application	100%
Between the 11th working day and the 45th working day after receipt of the completed application	50%
After the 45th working day	0%

(3) Fees for the fair market value determination shall be paid in addition to the applicable processing and application review fees. These fees shall be based on the contracted amount for consultants with the expertise to make such an evaluation. The acquiring party is responsible for this payment. If payment of this fee is not made within ten working days following being billed, the review of the application shall be suspended until payment is made.

(4) Fees for the public health services district voluntary review shall be paid by the public health services district. These fees shall be billed at cost and must be paid within ten working days of being billed.

(5) Fees for the attorney general's opinion shall be paid in addition to the applicable processing and application review fees. These fees shall be based on the charges billed to the department and then billed to the acquiring party. Fees must be paid within ten working days of being billed or the review of the application shall be suspended until payment is made.

PERMANENT

WSR 97-21-053
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed October 13, 1997, 3:45 p.m.]

Date of Adoption: September 29, 1997.

Purpose: The proposed rule articulates the rights of the licensee and the administrative procedures for the licensee, the commission, and staff of the commission to conduct a review of the decision to revoke a licensee's license.

Citation of Existing Rules Affected by this Order:
 Amending WAC 246-919-520.

Statutory Authority for Adoption: RCW 18.71.019.

Adopted under notice filed as WSR 97-15-126 on July 23, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 6, 1997

Beverly A. Teeter, Administrator
 Health Professions Section 5

Medical Quality Assurance Commission

NEW SECTION

WAC 246-919-520 Revocation of a physician's license. This section sets forth the procedure by which a respondent may request a review by the medical quality assurance commission of its decision to revoke the respondent's license under RCW 18.71.019:

(1) If the commission issues a final order revoking a respondent's license following an adjudicative proceeding, the respondent may request a review of the decision by a review panel of the commission.

(2) The respondent shall file a written request with the commission within twenty days of effective date of the final order. The respondent may not request an extension of the twenty-day period to file a request for review.

(3) The respondent's request for review of the final order does not change the effective date of the final order.

(4) A review panel shall review the final order. The review panel is composed of the members of the commission who did not:

(a) Review the initial investigation and make the decision to issue a statement of charges against the respondent in this matter; or

(b) Hear the evidence at the adjudicative proceeding and issue the final order revoking the respondent's license.

(5) Within seven days of receipt of the request for review of the final order, a scheduling order is issued setting a date for the review hearing, and a date for the filing of written argument by the parties. The review hearing must take place within sixty days of the respondent's request for review of the final order.

(6) The review panel shall convene in person for the review hearing on the date set in the scheduling order. If a commission member is unavailable to meet on the scheduled date, a pro tempore member shall take that person's place on the review panel. At the review hearing, the review panel:

(a) Shall review the final order;

(b) Shall review written argument presented by the parties; and

(c) May hear oral argument by the parties.

(7) If the review panel determines that revocation of the respondent's license is not the appropriate sanction, it shall issue an amended order setting the appropriate sanction(s) necessary to protect the public.

(8) If the review panel determines that revocation of the respondent's license is appropriate, it shall issue an order confirming that decision.

WSR 97-21-060

PERMANENT RULES

DEPARTMENT OF LICENSING

(Board of Funeral Directors and Embalmers)

[Filed October 14, 1997, 10:11 a.m.]

Date of Adoption: September 18, 1997.

Purpose: To amend WAC 308-48-031 to address the minimum facility, equipment, and prep standards that are necessary for operating a funeral establishment.

Citation of Existing Rules Affected by this Order:
 Amending WAC 308-48-031.

Statutory Authority for Adoption: RCW 18.39.175(4).

Adopted under notice filed as WSR 97-16-063 on August 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 18, 1997

Merrie Burley

Chairman

AMENDATORY SECTION (Amending Order PM 716, filed 3/28/88)

WAC 308-48-031 Funeral establishment facility, equipment, and embalming and preparation room standards. ~~(((1) Embalming-))~~ A funeral establishment or branch establishment shall:

(1) Have an exclusive area/office at an identified location for conducting the business which is accessible to the public.

(2) Provide private and secure area(s) for holding human remains which will include:

(a) A refrigerated holding area of adequate capacity for unembalmed remains with a maximum temperature of 48 degrees Fahrenheit;

(b) A sink with hot and cold running water;

(c) Covered receptacles for soiled linens, bandages, refuse and other waste materials which meet OSHA, WISHA, department of health and any other applicable regulations;

(d) Adequate chemicals for the disinfection of human remains and the equipment used in handling and caring for human remains;

(e) Chemical storage that meets OSHA, WISHA, department of health and any other applicable regulations.

(3) Provide rest rooms that are available for staff and the public.

(4) In the case where the holding of human remains is not provided at this facility, provide the identification of the facility upon request to the board and the individual or individuals that has/have the right to control the disposition of the human remains where this establishment or branch provides for the holding and/or preparation of the human remains entrusted to its care (this off-site facility must meet the requirements of subsection (2) of this section).

(5) Provide for the privacy of uncasketed human remains in vehicles used for transportation of the remains by screening, curtains, or adequately tinted windows.

(6) Provide that if embalming is performed at the establishment or branch, no embalming of a ~~((body of a deceased person))~~ human remains shall be performed in a funeral establishment or branch establishment except in a room set aside exclusively for embalming ~~((or other preparation))~~ of a ~~((body of a deceased person))~~ human remains. Such room shall be maintained and kept in a clean sanitary condition~~((-~~

~~((2) Embalming and preparation room-)), and every embalming and preparation room shall be constructed, equipped, and maintained as follows:~~

(a) The surfaces of the floor, walls, and ceiling shall be covered with tile or other hard, smooth, impervious washable material.

(b) The room shall be adequately lighted and adequately ventilated. The ventilation shall be provided by an exhaust fan or by an appropriate air-conditioning unit which will completely remove objectionable fumes.

(c) The room shall be equipped and provided with hot and cold running water, a utility sink, and cabinets, closets or shelves for instruments and supplies.

(d) The room shall be equipped with adequate sewage and waste disposal and drainage facilities and systems.

(e) The doors shall be tight closing and rigid and any windows of the room shall be so maintained as to obstruct any view into such room. The room's entry door(s) must be labeled "Private" or "Authorized Entry Only."

(f) The embalming or preparation table shall be nonporous.

(g) The room shall be equipped with proper and convenient covered receptacles for refuse, bandages, cotton, and other waste materials.

WSR 97-21-061

PERMANENT RULES

DEPARTMENT OF LICENSING

(Board of Funeral Directors and Embalmers)

[Filed October 14, 1997, 10:12 a.m.]

Date of Adoption: September 18, 1997.

Purpose: To amend WAC 308-48-030 to address the minimum standards that are necessary for the proper care of human remains.

Citation of Existing Rules Affected by this Order: Amending WAC 308-48-030.

Statutory Authority for Adoption: RCW 18.39.175(4).

Adopted under notice filed as WSR 97-16-064 on August 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 18, 1997

Merrie Burley
Chairman

AMENDATORY SECTION (Amending Order PM 716, filed 3/28/88)

WAC 308-48-030 ~~(((Restrictions-))~~ Care of human remains. (1) ~~(((Licensees in all their licensed activities, shall))~~ Funeral establishments, funeral directors, embalmers, apprentices, employees or agents while providing for the care and handling of human remains shall:

(a) Comply with all applicable Washington state laws, rules and regulations related to health or the handling ~~((or disposal)), transportation or disposition~~ of human remains.

~~(((2) No licensee, apprentice, employee or agent of the licensee, in handling a dead body, shall perform any unnecessary act which will tend to affect adversely the dignity or~~

~~the respectful and reverential handling and burial or other customary disposal of the dead.~~

~~(3)) (b) Not perform any act which will tend to affect adversely the dignity, individual integrity or the respectful and reverential handling and burial or other customary disposition of human remains.~~

~~(c) Upon receipt of the human remains, obtain the identity of the human remains as established by the institution, agency, or individual releasing the remains.~~

~~(d) Place an identification bracelet or tag on the ankle or wrist of the remains. In the case of a remains that must be placed in a protective pouch due to the condition of the remains, an identification bracelet or tag should be placed inside the pouch and a second bracelet or tag attached to the exterior of the pouch.~~

~~(e) Follow the directions of the individual or individuals that has/have the right to control the disposition of the human remains.~~

~~(f) Record and maintain the following information:~~

~~(i) Name of deceased;~~

~~(ii) Date of death;~~

~~(iii) Place of death;~~

~~(iv) Name and relationship of person(s) having the right to control the disposition;~~

~~(v) Date and time of receipt of remains;~~

~~(vi) Date and time of refrigeration and/or embalming;~~

~~(vii) Method, date and location of disposition.~~

~~(g) Not separate any organs, viscera or appendages of a human remains from any other portion of the remains for a separate or different disposition. The entire human remains that the funeral establishment has received and has possession of must be maintained and disposed of as one entity.~~

~~(h) Provide refrigerated holding of a human remains for which embalming has not been authorized.~~

~~(2) The care and preparation for burial or other disposition of all human (~~dead bodies~~) remains shall be private. No one shall be allowed in the embalming or preparation rooms while a (~~dead body~~) human remains is being embalmed or during the course of an autopsy except the licensee, his authorized employees, and public officials in the discharge of their duties. This rule shall not apply to duly authorized (~~doctors and nurses~~) medical personnel employed in a case, nor to members of the immediate family of the deceased or those authorized to be present by the decedent's next of kin.~~

~~((4)) (3) Every licensee shall provide a written itemization of any property, money, jewelry, possessions or other items of significant value found on a (~~body~~) human remains in the licensee's care, custody or control to the decedent's next of kin or the proper authorities.~~

WSR 97-21-062

PERMANENT RULES

DEPARTMENT OF LICENSING

(Board of Funeral Directors and Embalmers)

[Filed October 14, 1997, 10:13 a.m.]

Date of Adoption: September 18, 1997.

Purpose: To amend WAC 308-48-150 and 308-48-160 to include a requirement that apprentices and their sponsors report to the board the training that has taken place.

Citation of Existing Rules Affected by this Order: Amending WAC 308-48-150 and 308-48-160.

Statutory Authority for Adoption: RCW 18.39.175(4).

Adopted under notice filed as WSR 97-16-062 on August 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 18, 1997

Merrie Burley

Chairman

AMENDATORY SECTION (Amending Order PM 604, filed 7/11/86)

WAC 308-48-150 Course of training—Apprentice funeral director (~~apprentice~~). (1) For the purposes of RCW 18.39.035, the term "one year course of training" shall include assisting a licensed funeral director in (~~conducting~~) coordinating all aspects of at least twenty-five (~~funerals and assisting in the burial and/or final disposition of at least twenty-five~~) arrangements for funeral, memorial and/or final disposition services for human (~~bodies~~) remains.

(2) The term "one year" shall consist of at least eighteen hundred hours of employment and cannot be completed in a period of time less than one calendar year.

(3) Registered apprentice funeral directors shall provide a quarterly report to the board on a form supplied by the board containing information relating to the arrangements, services, final dispositions, and other duties of a funeral director the apprentice has assisted with or performed during the required term of apprenticeship.

(4) Licensed sponsors shall provide a quarterly report to the board on a form supplied by the board showing the progress of the apprentice toward the skill level required to work independently.

(5) Registered apprentice funeral directors may receive training from their sponsor and other licensed funeral directors as approved by the sponsor.

AMENDATORY SECTION (Amending Order PM 604, filed 7/11/86)

WAC 308-48-160 Course of training—Apprentice embalmer(~~2~~)s (~~apprentice~~). (1) For the purposes of RCW 18.39.035, the term "two year course of training" shall

include the embalming of at least fifty human ((bodies)) remains under the supervision of a licensed embalmer.

(2) The term "two year" shall consist of at least thirty-six hundred hours of employment and cannot be completed in a period of time less than two calendar years.

(3) Registered apprentice embalmers shall provide a quarterly report to the board on a form supplied by the board containing information relating to the embalmings the apprentice has assisted with or performed during the required term of apprenticeship.

(4) Licensed sponsors shall provide a quarterly report to the board on a form supplied by the board showing the progress of the apprentice toward the skill level required to work independently.

(5) Registered apprentice embalmers may receive training from their sponsor and other licensed embalmers as approved by the sponsor.

WSR 97-21-063

PERMANENT RULES

DEPARTMENT OF LICENSING

(Board of Funeral Directors and Embalmers)

[Filed October 14, 1997, 10:14 a.m.]

Date of Adoption: September 18, 1997.

Purpose: To implement procedures for holding brief adjudicative proceedings for certain matters requiring a board decision but which do not require a hearing before the entire board.

Statutory Authority for Adoption: RCW 18.39.175(4).

Adopted under notice filed as WSR 97-16-060 on August 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 3, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 18, 1997

Merrie Burley
Chairman

NEW SECTION

WAC 308-48-810 Application of brief adjudicative proceedings. The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the board chair pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceed-

ings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to operate a funeral establishment, branch funeral establishment, or a crematory; or to receive a prearrangement funeral service contract license; or for a license to practice as a funeral director, embalmer, apprentice funeral director, or apprentice embalmer; and the board proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the board;

(3) Whether an education course or curriculum meets the criteria for approval when approval by the board is required or authorized by statute or rule;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(5) Whether a license holder has been certified by a lending agency and reported to the board for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

NEW SECTION

WAC 308-48-820 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the board in proposing to deny the license, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the board regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the board regarding compliance with the final order or agreement; and

(d) All documents relied upon by the board showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

September 18, 1997

Merrie Burley
Chairman

NEW SECTION

WAC 308-48-830 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the current board chair. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ board expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

AMENDATORY SECTION (Amending WSR 90-17-148, filed 8/22/90, effective 9/22/90)

WAC 308-49-164 Prearrangement funeral service trust agreement requirements. (1) Each establishment entering into prearrangement funeral service contracts which does not use insurance as a method of funding shall establish one or more prearrangement funeral service trust agreements. The establishment may join with one or more other Washington state licensed funeral establishments in a "master trust."

(2) Such prearrangement funeral service trust agreements shall be between the funeral establishment and trustees designated by the funeral establishment. The agreement shall include language that provides for:

- (a) ~~((Number and appointment))~~ A minimum of two trustees;
- (b) Duties and responsibilities of the trustees;
- (c) Method of removal of trustees;
- (d) Selection of depository(ies);
- (e) Procedures to be followed when the establishment deposits prearrangement funeral service contract moneys;
- (f) Conditions under which moneys may be withdrawn from the trust and procedures to be followed in making withdrawals;
- (g) Details as to investment and administration of the trust;
- (h) Compensation of trustees and expenses to be incurred;
- (i) Accounting methods to be used;
- (j) Provisions for amendment and termination of the trust agreement.

(3) Such prearrangement funeral service trust agreements are an integral part of the prearrangement funeral service contract and shall be approved by the board prior to use. Amendments, changes to the trust agreement, or termination of the trust agreement shall receive prior approval from the board before incorporation of amendment or change, or implementation of termination.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-49-162 Trustee and master trust requirements.

**WSR 97-21-066
PERMANENT RULES
OFFICE OF THE FAMILY
AND CHILDREN'S OMBUDSMAN**
[Filed October 14, 1997, 4:21 p.m.]

Purpose: Rules governing the internal operations of the agency.

Statutory Authority for Adoption: RCW 43.06A.030(6).

WSR 97-21-064

PERMANENT RULES

DEPARTMENT OF LICENSING

(Board of Funeral Directors and Embalmers)

[Filed October 14, 1997, 10:16 a.m.]

Date of Adoption: September 18, 1997.

Purpose: To repeal WAC 308-49-162 and amend WAC 308-49-164 so that one rule covers all requirements for prearrangement funeral service trust agreements.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-49-162; and amending WAC 308-49-164.

Statutory Authority for Adoption: RCW 18.39.175(4).

Adopted under notice filed as WSR 97-16-061 on August 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

PERMANENT

Adopted under notice filed as WSR 97-15-145 on July 23, 1997.

Changes Other than Editing from Proposed to Adopted Version:

Agency's Reasons for Adopting the Rules: (A) To govern the agency's internal operations.

Differences (nonediting) Between Proposed and Adopted Rules:

(A) WAC 112-10-020(1) now reads, "allegations *or findings*."

(B) WAC 112-10-060 (3)(a) now reads, "Access *may be* established."

(C) WAC 112-10-060 (4)(e) [(4)(d)] now has an additional sentence reading, "This determination may be based on criteria established pursuant to OFCO/LOC protocol." This change will allow for the development of an agreed protocol between OFCO and LOC.

Comments Received:

(A) Comments were received from Bernie Ryan of the Senate Democratic Caucus (received by electronic mail) and Richard Rodger, Counsel to the Senate Committee on Human Services and Corrections.

(B) The comments from Mr. Ryan were described by him as "all grammatical or style"; most of Bernie Ryan's recommendations were incorporated into the adopted rules.

(C) The comments received from Mr. Rodger were to add "or findings" after "allegations" in WAC 112-10-020(1); to add "confidential" after "all" in WAC 112-10-020(5); to substitute "may" for "shall" in WAC 112-10-060 (3)(a); to add "confidential" after "Any" in WAC 112-10-060 (3)(b); to strike "relevant" in WAC 112-10-060 (4)(d); and to delete WAC 112-10-060 (4)(e). These comments were considered and revisions were made accordingly. The reasons for not amending WAC 112-10-060 (3)(b) and (4)(d) as proposed is to maintain OFCO's confidentiality of investigative records as allowed by statute.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 6, amended 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 6, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 16, 1997

Charlotte E. Clark-Mahoney
Assistant Attorney General

**Title 112 WAC
OFFICE OF THE FAMILY AND CHILDREN'S
OMBUDSMAN**

Chapter 112-10 WAC

AGENCY ORGANIZATION

NEW SECTION

WAC 112-10-010 Purpose. The Office of the Family and Children's Ombudsman (OFCO) was established to promote public awareness and understanding of family and children's services, to identify systems issues, to monitor and ensure compliance with administrative acts, statutes, rules, and policies pertaining to family and children's services and to those pertaining to the placement, supervision, and treatment of children in the state's care, in state-licensed facilities or residences, or in state operated facilities.

NEW SECTION

WAC 112-10-020 Definitions. For purposes of these rules the following terms have the meanings indicated:

(1) "Administrative Act" means an action, decision, or omission made by a governmental agency or a contracting or state-licensed agency that affects: (a) a child who is in need of state protection due to child abuse or neglect; (b) a family who is under state supervision due to allegations or findings of child abuse or neglect; or (c) or a child who is in state custody.

(2) "Family and children's services" are services provided by or through the Department of Social and Health Services (DSHS), or state-licensed agencies, to families who are: (a) at risk of child abuse or neglect; (b) are under state supervision due to allegations or findings of child abuse or neglect; or (c) to children who are in state custody. These services include those provided by or through the Department of Social and Health Services, Children's Administration, Juvenile Rehabilitation Administration, and Health and Rehabilitative Services Administration.

(3) "Confidential" and "confidentiality" refer to information that OFCO deems to be protected by federal and state law from public disclosure or further dissemination.

(4) "Department" means the Department of Social and Health Services.

(5) "Investigative records" refers to all records obtained, held, or generated by OFCO in the performance of its duties.

NEW SECTION

WAC 112-10-030 Location. OFCO is located organizationally within the Office of the Governor, reports directly to the Governor, and exercises the powers of the office and duties independently of the Secretary of the Department of Social and Health Services.

NEW SECTION

WAC 112-10-040 Authority. OFCO was created and receives its authority from RCW 43.06A.

NEW SECTION

WAC 112-10-050 Duties. OFCO shall:

(1) Provide information as appropriate on the rights and responsibilities of individuals receiving family and children's services and on the procedures for providing these services.

(2) Investigate administrative acts alleged to be contrary to law, rule, or policy, imposed without an adequate state-

PERMANENT

ment of reason, or based on irrelevant, immaterial, or erroneous grounds.

(3) Monitor the procedures of DSHS in carrying out its responsibilities in delivering family and children's services.

(4) Review periodically the facilities and procedures of state institutions serving children and state licensed facilities or residences.

(5) Recommend changes in the procedures for addressing the needs of families and children.

(6) Submit an annual report to the Governor and the Legislative Oversight Committee (LOC) analyzing the work of OFCO, including recommendations.

NEW SECTION

WAC 112-10-060 Implementation of duties. (1) Investigations.

(a) OFCO investigates administrative acts.

(b) OFCO investigations may be initiated based upon receipt of a complaint or on its own initiative.

(c) OFCO may decline to investigate any complaint that is not within the scope and/or priorities of OFCO's policies and resources.

(d) OFCO may conduct its investigation based upon records review, interviews, and any other investigative tools necessary to carry out its duties.

(e) Actions to be taken by OFCO after an investigation may include:

(i) Recommendations to the agency for changes in policy, procedure, or practice that should be implemented to improve service delivery and/or accountability;

(ii) Recommendations to the Legislature for legislative enactments that would improve services and/or accountability; and/or

(iii) Recommendations to the Governor for legislation, policy, and/or executive order changes that would improve services and/or accountability.

(2) Periodic Review of Facilities.

(a) OFCO will periodically review the policies and procedures of state institutions serving children and state-licensed or operated facilities where children reside.

(b) OFCO may review physical facilities based upon review of agency records or reports; review of agency policies and procedures; receipt of a complaint; or as patterns raising concern arise through other investigations.

(3) Handling of DSHS Records.

(a) As provided by applicable federal and state law, OFCO shall have access to, and permission to copy, all records held or accessible by Children's Administration that are relevant to any OFCO investigation. Access may be established pursuant to interagency protocol.

(b) Any records received from DSHS shall be deemed to be OFCO investigative records.

(c) The determination of relevance of records held or accessible by DSHS shall be made by OFCO.

(4) Release of Confidential Records.

(a) OFCO investigative records are confidential and exempt from disclosure under the Public Disclosure Act, RCW 42.17.

(b) Records received by OFCO shall be maintained as provided for under the law.

(c) Relevant investigative records created by OFCO shall be released to the Legislative Oversight Committee upon request, unless prohibited by law.

(d) The determination of relevance of records to be released to the LOC shall be made by OFCO. This determination may be based on criteria established pursuant to OFCO/LOC protocol.

(e) OFCO shall treat all matters under investigation and investigative records as confidential.

Effective date—

WSR 97-21-069

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed October 15, 1997, 10:45 a.m.]

Date of Adoption: September 26, 1997.

Purpose: Establish policies and procedures for the designation of small school plants as remote and necessary.

Citation of Existing Rules Affected by this Order: Amending WAC 180-24-410 and 180-24-415.

Statutory Authority for Adoption: Section 502 (1)(e), chapter 6, Laws of 1994 1st sp. sess.

Adopted under notice filed as WSR 97-16-071 on August 4, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 2, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 7, 1997

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 95-20-055, filed 10/2/95, effective 11/2/95)

WAC 180-24-410 Remote and necessary small school plants—Criteria. (1) Decisions of the state board of education on granting remote and necessary status to small school plants within school districts shall be based on a finding that granting remote and necessary status is necessary to assure reasonable provision of a basic education program to students, including related services, equipment, materials and supplies.

(2) In making the finding under subsection (1) of this section, the state board of education shall consider, including but not limited to, the factors (~~including but not limited to the following:~~

~~(a) Existence of an intact, permanent community which is defined as a geographically site-specific, nonmobile group of people;~~

~~(b)) under (a) through (g) of this subsection. No single factor or combination of factors necessarily warrants granting or denying remote and necessary status. However, it shall be the policy of the state board of education to favor those requests which, in the board's judgment, meet the provisions of this section. "Favor" does not mean that the listed factors are necessarily exclusive. Additional factors and considerations may be included in a particular request. If there is a factual situation that falls outside the scope of all or a portion of the listed factors, the state board may consider the facts and reasons the additional factors or considerations support the request.~~

~~(a) The student population to be served(;~~

~~(e) Resources required to meet student needs, including but not limited to staffing, specialized personnel, and technology;)) at the small school site, must meet the small school funding formula for remote and necessary school plants as provided in the Operating Appropriations Act. The grade span served at the small school site shall include the same levels for eligible students established by the district for other elementary, middle, or high schools of the district.~~

~~(b) Existence of an intact, permanent community which is defined as a geographically site-specific, nontransient group of people. This factor must be met.~~

~~(c) Transportation: Travel time to another school in the district, or school in another district, is not less than sixty minutes one way.~~

~~(d) Transportation(, including): Student safety from a small school site in the school district to another school in the district, or school in another district, may be at risk due to the condition of roads or waterways, seasonal weather conditions, or topography(, distance and travel time to another school in the district or in another district, and student safety related to transportation;)).~~

~~(e) ((Operational efficiency, including but not limited to:~~

~~(i) Adequacy and availability of facilities in the community, the district, or in the next nearest district or districts;~~

~~(ii) Adequacy and)) Operational efficiency: Nonavailability of ((other)) age appropriate grade level or cooperative programs in ((adjacent)) other school facilities in the district, or in the next nearest district or districts, ((or through the educational service district; and)) or other educational organizations approved or recognized by the state board of education or the superintendent of public instruction.~~

~~((f) A safe and healthful environment for students.))~~

~~(3) At its discretion, the state board of education may use as guidance the applicable provisions of WAC 180-24-013, 180-24-016, and 180-24-017.~~

AMENDATORY SECTION (Amending WSR 95-20-055, filed 10/2/95, effective 11/2/95)

WAC 180-24-415 Remote and necessary small school plants—Review committee. (1) There is hereby established by the state board of education a remote and necessary review committee comprised of at least the following five members:

(a) One member of the state board of education selected by the president of the board;

(b) Two staff members from the office of the superintendent of public instruction, one who is knowledgeable about finance issues and one who is knowledgeable about curriculum issues, both selected by the state superintendent;

(c) One school director selected by the Washington State School Directors' Association;

(d) One school district administrator selected by the Washington Association of School Administrators;

(2) Vacancies on the review committee shall be filled by the person or organization responsible for appointments.

~~((2))~~ (3) At the state board of education's discretion, other members may be added to the review committee.

(4) It is the responsibility of the review committee to receive and review all applications from school districts requesting the state board of education to grant remote and necessary status to a small school plant located in the district. Following the review of applications, the review committee shall recommend to the state board whether such designation should be granted. Recommendations of the review committee shall be advisory only. The final determination rests solely with the state board of education.

~~((3))~~ (5) Every small school plant with remote and necessary status beginning 1996, shall be reviewed every four years by the review committee and the state board. The review committee shall submit its findings and recommendations to the state board. The review committee may conduct the review on-site, with the number of members participating determined by the committee, or may conduct the review by other means as determined by the committee and with state board approval. The state board shall provide to the fiscal committees of the legislature in January of odd-numbered years a list of remote and necessary small school plants. ((The first report shall be provided in January 1997. All currently designated remote and necessary small school plants shall be reviewed prior to January 1997.

(4)) (6) A small school plant shall lose its remote and necessary status if the number of students exceeds the enrollment requirements set forth in the state Operating Appropriations Act for three consecutive years. The loss of remote and necessary status shall take effect the immediate ensuing school year. If a small school site should lose its remote and necessary status, the local serving school district may continue to maintain and operate the school site. When the enrollment of such small school plant again meets the requirements of the state Operating Appropriations Act, the school district may apply to the state board of education for redesignation as a remote and necessary plant. The small school site's annual average full-time equivalent enrollment, pursuant to the Operating Appropriations Act requirements, shall be met for one full year prior to reapplication.

WSR 97-21-075

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed October 17, 1997, 10:50 a.m.]

Date of Adoption: September 26, 1997.

Purpose: To clarify reporting requirements for educational service district superintendents, school district superin-

PERMANENT

tendents and Board of Private Schools relating to the code of professional conduct.

Citation of Existing Rules Affected by this Order: Amending WAC 180-87-070.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 97-16-092 on August 5, 1997.

Changes Other than Editing from Proposed to Adopted Version: Based on testimony the state board decided not to remove previously stricken phrase which clarifies intent.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 16, 1997

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-02-075, filed 1/2/90, effective 2/2/90)

WAC 180-87-070 Unauthorized professional practice. Any act performed without good cause that materially contributes to one of the following unauthorized professional practices is an act of unprofessional practice.

(1) The intentional employment of a person to serve as an employee in a position for which certification is required by rules of the state board of education when such person does not possess, at the time of commencement of such responsibility, a valid certificate to hold the position for which such person is employed.

(2) The assignment or delegation in a school setting of any responsibility within the scope of the authorized practice of nursing, physical therapy, or occupational therapy to a person not licensed to practice such profession unless such assignment or delegation is otherwise authorized by law, including the rules of the appropriate licensing board.

(3) The practice of education by a certificate holder during any period in which such certificate has been suspended.

(4) The failure of a certificate holder to abide by the conditions within an agreement, executed pursuant to WAC ((180-86-150)) 180-86-160, to not continue or to accept education employment.

(5) The failure of a certificate holder to comply with any condition, limitation, or other order or decision entered pursuant to chapter 180-86 WAC.

(6) *Provided*, That for the purpose of this section, good cause includes, but is not limited to, exigent circumstances

where immediate action is necessary to protect the health, safety, or general welfare of a student, colleague, or other affected person.

WSR 97-21-077

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed October 17, 1997, 1:27 p.m., effective January 1, 1998]

Date of Adoption: October 14, 1997.

Purpose: To increase fees for application, original certification, certification renewal, late renewal penalty fee, duplicate certificate, application/reciprocity and original certification via reciprocity.

Under provision of RCW 43.24.086, the cost of each professional licensing program shall be borne by the members of that profession. The director of the Department of Licensing is charged with setting fees at a level sufficient to defray the costs of administering the program.

Projected revenue for the 1997-99 biennium from licensing fees is not sufficient to cover projected operating costs for the real estate appraiser program. An increase in original license applications anticipated as a result of mandatory licensing legislation has not been realized. In addition, many licensees have opted not to renew due to market conditions and perceptions regarding the value of certification or licensing.

Current resources are needed, at a minimum, to maintain program effectiveness. Program workload has shifted from primarily an application review process to include an emphasis on the enforcement of practice standards. Consumer complaints are technical in nature, related enforcement involves increased staff training, investigation and legal support costs.

Citation of Existing Rules Affected by this Order: Amending WAC 308-125-120 Fees and charges.

Statutory Authority for Adoption: RCW 43.24.086.

Adopted under notice filed as WSR 97-18-032 on August 26, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 7, 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 7, repealed 0.

Effective Date of Rule: January 1, 1998.

October 14, 1997

Alan E. Rathbun

Acting Assistant Director, BPD

AMENDATORY SECTION (Amending WSR 97-02-004 [97-16-042], filed 12/20/96 [7/31/97], effective 1/20/97 [8/31/97])

WAC 308-125-120 Fees and charges. The following fees shall be paid under the provisions of chapter 18.140 RCW:

Title of Fee	Fee
(1) Application for examination	\$ ((175.00)) <u>182.00</u>
(2) Examination	<u>75.00</u>
(3) Reexamination	<u>75.00</u>
(4) Original certification	((100.00*)) <u>102.00*</u>
(5) Certification renewal	((275.00*)) <u>284.00*</u>
(6) Late renewal penalty	((35.00)) <u>36.00</u>
(7) Duplicate certificate	((25.00)) <u>26.00</u>
(8) Certification history record	<u>25.00</u>
(9) Application for reciprocity	((175.00)) <u>182.00</u>
(10) Original certification via reciprocity	((100.00*)) <u>102.00*</u>
(11) Temporary practice	<u>150.00</u>

* Proposed fees for these categories marked with an asterisk include an estimated \$25.00 to be submitted by the state to Federal Government. Title XI, SEC. 1109 requires each state to submit a roster listing of state certified appraisers to the Appraiser Subcommittee "no less than annually." The state is also required to collect from such individuals who perform appraisals in federally related transactions, an annual registry fee of "not more than \$50," such fees to be transmitted by the state to the federal government on an annual basis.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 97-21-108
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services Administration)
 (Public Assistance)
 [Filed October 20, 1997, 2:14 p.m.]

Date of Adoption: October 20, 1997.

Purpose: The definitions of abuse, neglect, abandonment, and exploitation; and the definition of frail elder and vulnerable adult in chapter 74.34 RCW changed as the result of the 1995 legislative session in E2SHB 1908. The changes in the current WAC will enable adult protective services (APS) to use the appropriate criteria for determining the need for protective services for this population of people.

Citation of Existing Rules Affected by this Order: Amending WAC 388-15-120.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Chapters 74.34 and 26.44 RCW, 42 U.S.C. 1397 and 3058.

Adopted under notice filed as WSR 97-11-083 on May 21, 1997.

Changes Other than Editing from Proposed to Adopted Version: Amended the definition for frail elder and vulnera-

ble adult, abandonment, abuse, and neglect. Section titles were changed for clarification.

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 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 20, 1997

Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3116, filed 12/18/90, effective 1/18/91)

WAC 388-15-120 Adult protective services. (1) **Authority.** The authority for adult protective services is:

- (a) 42 U.S.C. 1397 for adults in need of protection;
- (b) 42 U.S.C. 3058, for programs for prevention of elder abuse, neglect, and exploitation;
- (c) Chapter 74.34 RCW for frail elders and vulnerable adults;
- ~~((b))~~ and
- (d) Chapter 26.44 RCW for adult dependent and developmentally disabled ((adults; and
- ~~(e) 42 U.S.C. 1397 for other adults in need of protection))~~ persons.

(2) **Goals.** The department shall:

- (a) Limit adult protective services goals to those specified under WAC 388-15-010 (1)(c), (d), and (e) and 388-15-010(2); and
- (b) Help prevent, correct, improve, or remedy situations of abuse, abandonment, exploitation, or neglect by providing adult protective services to eligible clients as defined under chapter 26.44 RCW and RCW 74.34.020.

(3) ~~((Description of services. To prevent, correct, improve, or remedy situations of abuse, abandonment, exploitation, or neglect, the department shall provide adult protective services to:~~

- ~~(a) Dependent adults eighteen years of age or older;~~
- ~~(b) Developmentally disabled adults eighteen years of age or older;~~
- ~~(c) Vulnerable adults sixty years of age or older; or~~
- ~~(d) Other adults similarly unable to protect interests vital to their safety and well-being))~~ **Definitions.** The department shall use the following definitions when intervening to protect frail elderly and vulnerable adults:

(a) **"Abandonment"** means action or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that leaves the vulnerable person without the

PERMANENT

means or ability to obtain necessary food, clothing, shelter, or health care (RCW 74.34.020);

(b) "Abuse" means a nonaccidental act of physical or mental mistreatment or injury, or sexual mistreatment, which harms a person through action or inaction by another individual (RCW 74.34.020);

(c) "Adult protective services evaluation" is the term used to describe the action taken to determine if further investigation is necessary when a report of self-neglect is received;

(d) "Basic necessities of life" means food, water, shelter, clothing, and medically necessary health care, including but not limited to health-related treatment or activities, hygiene, oxygen, and medication;

(e) "Consent" means express written consent granted after the person has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary (RCW 74.34.020);

(f) "Exploitation" means the illegal or improper use of a frail elder or vulnerable adult or that person's income or resources, including trust funds, for another person's profit or advantage (RCW 74.34.020);

(g) "Frail elder or vulnerable adult" shall have the same meaning as the definition in RCW 74.34.020. Frail elder and vulnerable adults include a person:

(i) Sixty years of age and older who has the functional, mental, and physical inability to care for himself or herself;

(ii) Found incapacitated under chapter 11.88 RCW;

(iii) Who has a developmental disability under chapter 71.A.10 RCW;

(iv) Admitted to any long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW; or

(v) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 7.127 RCW;

(h) "Neglect" means a pattern of conduct or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that results in the deprivation of care necessary to maintain the vulnerable person's physical or mental health (RCW 74.34.020); this may include "self-neglect" which means the failure to provide for oneself the goods or services necessary to avoid physical harm, emotional harm, or medical harm. This definition excludes a person who is competent to make a voluntary decision to live his or her life in a manner which may threaten his or her safety or well-being;

(i) "Mental mistreatment" means any nonaccidental act of mental or emotional pain or distress or both through action or inaction by another individual. Examples include, but are not limited to intimidation, coercion, ridiculing, harassment, treating an adult like a child, isolating an adult from family, friends, or regular activity, use of silence to control behavior, and yelling and swearing which result in mental distress;

(j) "Person or entity with a duty of care" includes, but is not limited to, the following:

(i) A guardian appointed under chapter 11.88 RCW; or

(ii) A person or entity providing the basic necessities of life to frail elder or vulnerable adults where:

(A) The person or entity is employed by or on behalf of the frail elder or vulnerable adult; or

(B) The person or entity voluntarily agrees to provide, or has been providing, the basic necessities of life to the frail elder or vulnerable adult on a continuing basis;

(k) "Physical abuse" means any nonaccidental infliction of bodily injury or physical mistreatment. Examples include, but are not limited to striking (with or without an object), slapping, pinching, choking, kicking, shoving, or inappropriate use of drugs or physical restraints;

(l) "Sexual mistreatment" means any form of nonconsensual sexual contact. Sexual mistreatment includes, but is not limited to unwanted touching, rape, sodomy, coerced nudity, sexual explicit photographing.

(4) Eligibility. ((Before a person receives adult protective services from the department, a person)) Prior to investigating or providing services:

(a) The department shall determine when an adult protective service situation exists.

(b) The department shall conduct investigations without regard to the income of the frail elder or vulnerable adult.

(c) The client shall be the frail elder or vulnerable adult as defined in subsection (3) of this section.

(d) The frail elder or vulnerable adult client shall ((show)):

(i) Exhibit evidence of ((+))

((a) Existing elements of)) abuse (physical abuse, mental mistreatment, or sexual mistreatment), abandonment, exploitation, or neglect ((constituting a danger to the adult or others)) as defined in subsection (3) of this section; and

((+)) ((b)) (ii) Have no ((one)) other adult available, willing ((and)), or able to competently assist ((the adult responsible)).

(e) The department may refuse to investigate reports which do not fit the definition of abuse, neglect, exploitation, abandonment or the definition of frail elder or vulnerable adult found in this chapter.

(5) Investigation.

(a) The department shall respond to ((all)) reports of abuse, neglect, exploitation, or abandonment of frail elder or vulnerable ((, dependent, and developmentally disabled)) adults. Response to a report may include, but is not limited to, referral to another entity for action; another entity may include, but is not limited to, law enforcement agency, mental health center, department of health, domestic violence program, residential care services, drug or alcohol treatment.

((a) The department shall determine if a valid adult protective service situation exists.))

(b) ((The department may refuse to investigate reports which do not constitute abuse, exploitation, neglect, or abandonment as defined under RCW 74.34.020.

(c) The department shall conduct investigations regardless of the adult's income)) Pursuant to chapter 26.44 RCW the department shall report an incident of abuse or neglect involving an adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse to the proper law enforcement agency.

(i) In emergency cases where the person's welfare is endangered the department shall notify law enforcement within twenty-four hours after receiving the report.

(ii) In all other cases the department shall notify law enforcement within seventy-two hours after receiving the report.

(6) Support services.

(a) The department shall provide ~~((dependent adults, developmentally disabled adults, vulnerable adults, and other adults similarly unable to protect interests vital to their safety and well being with support services))~~ services only with the written consent of the client after the client has been fully informed about the services and the client's right to refuse services.

(b) The department shall provide frail elders and vulnerable adults with chore personal care services and placement into a licensed and contracted adult family home or adult residential care facility without regard to income only:

~~((a))~~ (i) When the services are essential to, and a subordinate part of, the adult protective services plan; and

~~((b))~~ (ii) For a period not to exceed ~~((the))~~ ninety days during any twelve-month period of time which is specified ~~((under))~~ in WAC 388-15-209~~((4))~~(5), ~~((Chore services—Eligibility, WAC))~~ 388-15-552(2), ~~((Adult family home—Eligible persons, and WAC))~~ or 388-15-562(3)~~((, Congregate care—Eligible persons))~~.

(c) The department may seek the appointment of a guardian after all other alternatives have been explored and when it is apparent that the client may meet the criteria of incapacity pursuant to chapter 11.88 RCW.

(d) The department may provide assistance to a frail elder or vulnerable adult by filing a protective order as per chapters 10.14, 26.50, and 74.34 RCW, or as otherwise provided by law.

(e) The department may provide other services to protect the vulnerable adult.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 1, 1997

Jim Jesernig
Director

AMENDATORY SECTION (Amending Order 5085, filed 10/25/95, effective 11/25/95)

WAC 16-580-020 Farmed salmon commodity board.

(1) Administration. The provisions of this marketing order and the applicable provisions of chapter 15.65 RCW shall be administered and enforced by the board as the designee of the director.

(2) Board membership. The board shall consist of five members. Four shall be affected producer representatives elected as provided in this section. The director shall appoint one additional member who is not an affected producer to represent the department and the general public.

(3) Board membership qualifications. The affected producer members of the board shall be residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in the activities of an affected producer within the state of Washington for a period of one year and has, during that time, derived a substantial portion of his/her income therefrom. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) Term of office.

(a) The term of office, for members of the board shall be three years, unless the marketing order is terminated earlier. One-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through ~~((five))~~ four and the member appointed by the director, position ~~((six))~~ five.

(c) Commencing on January 1, 1996, the term of office for the board members shall be as follows:

Position one - one year - shall terminate on December 31, 1996.

Positions two and three - two years - shall terminate on December 31, 1997.

Position~~((s))~~ four ~~((and five))~~ - three years - shall terminate on December 31, 1998.

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area 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 according to

WSR 97-21-110

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed October 21, 1997, 10:12 a.m.]

Date of Adoption: October 1, 1997.

Purpose: Reduce the assessment rate on farmed salmon raised in the state from one cent (\$.01) per pound (dressed head-on equivalent) to one tenth of one cent (\$.001) per pound (dressed head-on equivalent) and reduce the board membership from six to five.

Citation of Existing Rules Affected by this Order: Amending WAC 16-580-020 and 16-580-040.

Statutory Authority for Adoption: RCW 15.65.050.

Adopted under notice filed as WSR 97-17-095 on August 20, 1997.

Changes Other than Editing from Proposed to Adopted Version: WAC 16-580-020 [(4)](b) and (c), designating membership positions were modified for clarification.

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 2, repealed 0.

PERMANENT

the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may nominate a representative for membership on the board at such nomination meeting.

Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, and the director deems that said nominee satisfies the requirements of the position, then it shall be deemed that said nominee has been duly elected.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of October under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Removal of board members. A board member may be removed by a vote of the board if that member fails to attend any three consecutive meetings of the board, duly noticed.

(8) Vacancies prior to election. In the event of a vacancy on the board, the board shall appoint a qualified person to fill the unexpired term.

(9) 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.

(10) Board compensation. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meeting of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(11) 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 as the board determines necessary and proper to carry out the purpose of the order and effectuate the policies of the act.

(d) To pay 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 funds with the director in order to defray the costs of formulating the order.

(f) To establish a 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.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited 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. 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.

(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, 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 the person by the act or the 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 authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(q) To sue or be sued.

(12) Procedures for board.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meeting Act).

(b) The board shall hold an annual membership 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 by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members.

AMENDATORY SECTION (Amending Order 5035, filed 4/5/94, effective 5/6/94)

WAC 16-580-040 Assessments and collections. (1)

The assessment on all farmed salmon products shall be one ~~cent of one cent (((\$01))~~ **(\$001)** per pound ~~((on the first fifteen million pounds (dressed head on equivalent); and one-half cent (\$005) per pound over fifteen million pounds))~~ (dressed head-on equivalent) produced collectively by affected producers.

(2) The board shall determine the assessment rate each month on the basis of the total production reported, year to date, and bill the producer for his/her production for that month at that rate.

(3) For the purpose of collecting assessments, the board may require the person subject to the assessment to give adequate assurance or security for its payment.

(4) For the purpose of assuring compliance with the recordkeeping requirements and verifying reports filed by producers, the director and the board through its duly authorized employees, shall have access to and the authority to audit such records.

(5) All reports and records furnished or submitted by producers or to, or obtained by the employees of, the board which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular producer or processor from whom received, shall be treated as confidential, and the reports and all information obtained from records shall not be disclosed to board members and shall at all times be kept in the custody and under the control of one or more employees of the board who shall not disclose such information to any person other than the director, or his authorized agents. Compilations of general reports from data and information submitted by producers is authorized subject to the prohibi-

tion of disclosure of individual producers' identity or operation.

(6) Any moneys collected or received by the board pursuant to the provisions of the marketing order during or with respect to any year, may be refunded on a pro rata basis at the close of such year or at the close of such period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing 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 year.

(7) 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 marketing order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

(8) Assessments may, with the concurrence of the affected producer, be collected prospectively.

WSR 97-21-125
PERMANENT RULES
HEALTH CARE AUTHORITY
 [Filed October 21, 1997, 11:36 a.m.]

Date of Adoption: October 21, 1997.

Purpose: Revision of public disclosure, chapter 182-04 WAC, to reflect the reference to the Health Care Authority update of public disclosure forms, and reflect the new public disclosure requirements for commercial disclosure.

Citation of Existing Rules Affected by this Order: Repealing WAC 182-04-030 and 182-04-065; amending WAC 182-04-010, 182-04-015, 182-04-025, 182-04-035, 182-04-040, 182-04-045, 182-04-050, 182-04-055, 182-04-060, and 182-04-070; and new section WAC 182-04-041.

Statutory Authority for Adoption: RCW 41.05.160.

Adopted under notice filed as WSR 97-17-107 on August 20, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 10, repealed 0.

PERMANENT

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 10, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 21, 1997

Elin Meyer

Rules Coordinator

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-010 Purpose. The purpose of this chapter shall be to insure compliance by the Washington state ~~((employee insurance board))~~ health care authority (HCA) with the provisions of chapter 42.17 RCW dealing with public records.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-015 Definitions. The following definitions shall apply:

(1) "HCA" means the Washington state health care authority, created pursuant to chapter 41.05 RCW.

(2) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental agency or ~~((local agency regardless of form or characteristics))~~ the performance of any governmental or proprietary information.

~~((2))~~ (3) "Writing" means ~~((handwriting, typewriting, printing, photostating and every other means of recording any form of communication or representation, including letters, words, pictures, sounds symbols, or combinations thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents))~~ all means of recording any form of communication or representation as defined in RCW 42.17.020(28).

~~((3))~~ The Washington state employee insurance board, created pursuant to chapter 41.05 RCW. The state employee insurance board shall hereinafter be referred to as the board. For the purposes of WAC 182-04-015 through 182-04-070 inclusive, the term "board" shall also refer to the staff and employees of the Washington state employee insurance board.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-025 Public records. (1) All public records of the ~~((board))~~ HCA as defined in WAC 182-04-015~~((4))~~ (2) shall be made available upon public request for inspection and copying pursuant to these rules, except however as provided by ~~((RCW 42.17.310))~~ law.

(2) The public disclosure officer, or designee, shall respond promptly to requests for disclosure. Within five business days, the public disclosure officer, or designee shall respond by:

(a) Providing the record;

(b) Acknowledging the request and providing a reasonable estimate of the time it will take to respond to the request; or

(c) Denying the public record request.

(3) In acknowledging receipt of a public record request that is unclear, the public disclosure officer may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the public disclosure officer need not respond to it.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-035 Office hours. Public records shall be made available upon request only during working hours of the ~~((board))~~ HCA. For the purpose of this chapter, the working hours shall be from ~~((8:00))~~ 9:00 a.m. until noon, and from 1:00 p.m. until ~~((5:00))~~ 4:00 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-040 Request for public records. In accordance with the requirements of chapter 42.17 RCW that agencies prevent unreasonable invasion~~((s))~~ of privacy, and to protect public records from damage or disorganization, and to prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records~~((s))~~ may be obtained by ~~((members of))~~ the public, upon compliance with the following procedures:

(1) A request shall be made in writing or upon ~~((a))~~ the form prescribed ~~((by the agency))~~ in WAC 182-04-070, which shall be available at ~~((its office))~~ the HCA. The form shall be presented to the public ~~((records))~~ disclosure officer; or to any member of the agency's staff, if the public ~~((records))~~ disclosure officer is not available, at the office of the agency during customary office hours. ~~((The))~~ A request ~~((shall include the following information:~~

~~((a))~~ The name, address, and organization represented, if any, of the person requesting the record;

~~((b))~~ The time of day and calendar date on which the request was made;

~~((c))~~ The nature of the request;

~~((d))~~ need merely identify with reasonable certainty the record sought to be disclosed. If the matter requested is referred to within the current index maintained by the ~~((records))~~ public disclosure officer, a reference to the requested record as it is described in such current index~~((s))~~

~~((e))~~ If the requested matter is not identifiable by reference to the agency's current index, an appropriate description of the record requested) is desirable.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public ~~((records))~~ disclosure officer or staff member to assist the member of the public in appropriately identifying the public record requested.

(3) When the law makes a record disclosable to a specific person, a requestor may be required to provide personal identification.

NEW SECTION

WAC 182-04-041 Preserving requested records. If a public record request is made at a time when such record exists but is scheduled for destruction in the near future, the public disclosure officer shall retain possession of the record, and may not destroy or erase the record until the request is resolved.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-045 Copying. (1) No fee shall be charged for the inspection of public records.

(2) The agency shall ~~((charge a reasonable fee for providing copies of public records and for use of the agency's copy equipment. This charge is the amount necessary))~~ collect the following fees to reimburse the agency for its actual costs incident to ~~((such copying))~~ providing copies of public records:

(a) Fifteen cents per page for black and white photocopies, plus sales tax; and

(b) The cost of postage, if any.

(3) The public disclosure officer is authorized to waive the foregoing costs. Factors considered in deciding whether to waive costs include, but are not limited to: Providing the copy will facilitate administering the program, and/or the expense of processing the payment exceeds the copying and postage cost.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-050 Exemptions. (1) The ~~((board))~~ HCA reserves the right to determine ~~((that))~~ whether a public record requested in accordance with the procedures outlined in WAC 182-04-040 is exempted under ~~((the))~~ statutory provisions ~~((of RCW 42.17.310)).~~

(2) Pursuant to RCW 42.17.260, the ~~((board))~~ HCA reserves the right to delete identifying details when it makes available or publishes any public record, in any case where there is reason to believe that disclosure of such details would be an invasion of personal privacy or vital governmental interest protected by chapter 42.17 RCW. The public ~~((records))~~ disclosure officer will fully justify such deletion in writing in such a way so that the nature of the deleted information is made known.

(3) ~~((All denials of requests for public records shall be accompanied by a written statement specifying the reason for the denial.))~~ If disclosure is denied, the requestor is entitled to a written explanation of the denial which cites the relevant exemption and an explanation of how it applies to the record being denied.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-055 Review of denials of public records request. (1) Any person who objects to the denial of request for public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public ~~((records))~~ disclosure officer or other staff member which constituted or accompanied the denial.

(2) Following receipt of a written request for review of a decision denying a public record, the ~~((records))~~ disclosure officer shall immediately consider the matter and either affirm or reverse such denial. ~~((The request shall be returned with a final decision within two business days following the receipt of such request.))~~ Such review shall be deemed completed at the end of the second business day following the receipt by the disclosure officer of the request for review. This shall constitute final agency action for the purposes of judicial review, pursuant to RCW 42.17.320.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-060 Protection of public records. Following are guidelines which shall be adhered to by any person inspecting such public records:

(1) Inspection of any public records shall be conducted only during working hours as specified in WAC 182-04-035 with the presence of ~~((SEIB))~~ an HCA employee~~((s))~~;

(2) No public record shall be removed from the main office without the approval of the ~~((insurance benefit supervisor or without the authorization of the SEIB))~~ public disclosure officer or his/her designee;

(3) Public records shall not be marked, torn, or otherwise damaged;

(4) Public records must be maintained as they are in file or in a chronological order, and shall not be dismantled except for purposes of copying and then only by ~~((SEIB))~~ an HCA employee~~((s or others authorized by the insurance benefit supervisor))~~;

(5) Access to file cabinets and other places where public records are kept is restricted, and shall be used by ~~((the board))~~ employees of the HCA.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-070 ~~((Adoption of form.))~~ Request for inspection of records. The ~~((board))~~ HCA hereby adopts for use by all persons requesting inspection and/or copying ~~((or copies))~~ of its records, the form set out below, entitled "Request for ~~((public))~~ Inspection of Records."

~~((State Employees Insurance Board
Department of Personnel
State of Washington
600 South Franklin
Olympia, Washington 98504~~

~~We have received your request for copies of our public records. We would appreciate it if you complete the form on the right and return with the amount required. We will forward the requested copies as soon as we receive this form.~~

~~Thank You.~~

~~Return to:~~

~~Insurance Benefits Supervisor
Department of Personnel
600 South Franklin
Olympia, Washington 98504~~

Request for Public Records

WSR 97-21-126
PERMANENT RULES
HEALTH CARE AUTHORITY
[Filed October 21, 1997, 11:37 a.m.]

DATE TIME

NAME

ADDRESS

PURPOSE OF REQUEST

I certify that the information obtained through this request for public records will be used only for the reasons stated and will not be used for commercial purposes.

Signature

No. of copies

No. of pages

Per page charge \$.

Total charge \$(.....)

The information requested in Blocks 1 through 6 is not mandatory, however, the completion of these blocks will enable this office to expedite your request and contact you should the record you seek not be immediately available.

1. Name 4. Phone Number

2. Address 5. Representing (if applicable)

3. Zip Code 6. If urgent - date needed

Below please state what record(s) you wish to inspect and be as specific as possible. If you are uncertain as to the type or identification of specific record or records we will assist you.

I certify that the information requested from the above record(s) will not be part of a list of individuals to be used for commercial purposes.

(Signed)

Date

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 182-04-030 Public records officer.
WAC 182-04-065 Communication with the board.

Date of Adoption: October 21, 1997.
Purpose: Update WAC to reflect agency's policy and procedures and correct a WAC citation reference.

Citation of Existing Rules Affected by this Order: Amending WAC 182-08-095, 182-08-160, and 182-08-175.
Statutory Authority for Adoption: RCW 41.05.160.

Adopted under notice filed as WSR 97-17-106 on August 20, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 3, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 21, 1997
Elin Meyer
Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-08-042, filed 3/29/96, effective 4/29/96)

WAC 182-08-095 Waiver of coverage. (1) State employees: Employees eligible for PEBB health care coverage have the option of waiving medical coverage for themselves and any or all dependents if they are covered by another medical plan. In order to waive medical coverage, the employee must complete an enrollment form that identifies the individuals for whom coverage is being waived. If an employee waives medical coverage for him/herself, coverage is automatically waived for all eligible dependents. An employee may choose to enroll only him/herself, and waive medical coverage for any or all dependents.

Employees and dependents whose medical coverage is waived will remain enrolled in a PEBB dental plan. Employees will also remain enrolled in PEBB life and long term disability coverage.

If PEBB medical coverage is waived, an otherwise eligible person may not enroll in a PEBB plan until the next open enrollment period, or within 31 days of loss of other medical coverage. Proof of other medical coverage is required to demonstrate that: 1) Coverage was continuous from the date PEBB coverage was waived; and 2) the period between loss of coverage and application for PEBB coverage

PERMANENT

is 31 days or less. The employee and dependents may have an additional opportunity to enroll in the event of acquisition of a new dependent as a result of marriage, birth, adoption, or placement for adoption, provided that enrollment is requested within 31 days of marriage or within 60 days of birth, adoption or placement for adoption.

(2) K-12 employees: Employees eligible for PEBB health care coverage have the option of waiving medical coverage for themselves and any or all dependents. In order to waive medical coverage, the employee must complete an enrollment form that identifies the individuals for whom coverage is being waived. If an employee waives medical coverage for him/herself, coverage is automatically waived for all eligible dependents. An employee may choose to enroll only him/herself, and waive medical coverage for any or all dependents.

Employees and dependents whose medical coverage is waived will remain enrolled in a PEBB dental plan if the district/unit participates in the dental plan. Employees will also remain enrolled in life and long term disability coverage if the district/unit participates in those plans.

If PEBB medical coverage is waived, an otherwise eligible person may not enroll in a PEBB plan until the next school district renegotiation period, or upon approval of the participating school district and the HCA. Approval of the HCA will require proof of other medical coverage to demonstrate that: 1) Coverage was continuous from the date PEBB coverage was waived; and 2) the period between loss of coverage and application for PEBB coverage is 31 days or less. The employee and dependents may have an additional opportunity to enroll in the event of acquisition of a new dependent as a result of marriage, birth, adoption, or placement for adoption, provided that enrollment is requested within 31 days of marriage or within 60 days of birth, adoption or placement for adoption.

(3) Political subdivision employees: Political subdivision employees may not waive PEBB medical coverage for themselves, but may waive medical coverage for their dependents if the dependents are covered by another medical plan. In order to waive medical coverage for dependents, the employee must complete an enrollment form that identifies the individuals for whom coverage is being waived.

Dependents whose medical coverage is waived will remain enrolled in their PEBB dental plan.

If PEBB medical coverage is waived, an otherwise eligible dependent may not enroll in a PEBB medical plan until the next open enrollment period, or within 31 days of loss of other medical coverage. Proof of other medical coverage is required to demonstrate that: 1) Coverage was continuous from the date PEBB coverage was waived; and 2) the period between loss of coverage and application for PEBB coverage is 31 days or less. The employee and dependents may have an additional opportunity to enroll in the event of acquisition of a new dependent as a result of marriage, birth, adoption, or placement for adoption, provided that enrollment is requested within 31 days of marriage or within 60 days of birth, adoption or placement for adoption.

AMENDATORY SECTION (Amending WSR 96-08-042, filed 3/29/96, effective 4/29/96)

WAC 182-08-160 Group coverage when not in pay status. Employees covered by a PEBB health plan have options for providing continued coverage for themselves and their dependents during temporary or permanent loss of eligibility. With the exception of approved family and medical leave, employees not in pay status for at least 8 hours per month are ineligible to receive the employer premium contribution:

(1) When an employee loses eligibility as an active employee, PEBB group coverage, except long-term disability, may be continued at the group premium rate by self-paying premiums for medical coverage only, or for medical and dental combined, or for dental only, and on life insurance for a maximum of 29 months. With respect to medical and dental coverage, the maximum time shall be reduced by the number of months of self-pay allowed under COBRA and the number of employer-paid months allowed under family and medical leave. Part-time faculty may self-pay for group coverage between periods of active employee eligibility for a maximum of 18 months. If an employee is temporarily not in pay status for any of the following reasons, he or she may continue PEBB group coverage by self-paying the premium:

(a) The employee is on authorized leave without pay(=);

(b) The employee is laid off because of a reduction in force (RIF);

(c) The employee is receiving time-loss benefits under workers' compensation;

(d) The employee is awaiting hearing for a dismissal action;

(e) The employee is applying for disability retirement.

(2) The federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) gives enrollees the right to continue group coverage for a period of 18 to 36 months.

(3) The Family and Medical Leave Act of 1993 gives the enrollee the opportunity to extend eligibility with employer contribution toward premium for up to 12 weeks, see WAC ((182-08-080)) 182-08-175.

(4) Enrollees have the right to convert to individual medical coverage when continuation of group medical coverage is no longer possible.

(5) The dependents of employees also have options for continuing coverage for themselves following loss of eligibility.

(6) Employees who revert to a previously held position and do not regain pay status during the last month in which their employer contribution is made may continue their PEBB-sponsored health and life coverage, by self-paying premium for up to 18 months (and in some cases up to 29 months).

(7) If a dependent(s) loses eligibility due to the death of the employee, the dependent(s) may continue coverage under a retiree plan provided the dependent(s) will immediately begin receiving a monthly benefit from any state of Washington-sponsored retirement system. The employee's spouse may continue coverage indefinitely; other dependents may continue coverage until they lose eligibility under PEBB rules. Application for surviving dependent coverage must be

made within 60 days from the death of the employee. If a dependent is not eligible for a monthly retirement income benefit, or a lump-sum payment because the monthly pension payment would be less than \$50, the dependent may be eligible for continued coverage under COBRA.

(8) An employee may retain long-term disability coverage by self-payment of premium up to twenty-four months during an authorized leave without pay, but only if such leave is an approved educational leave.

AMENDATORY SECTION (Amending WSR 93-23-065, filed 11/16/93, effective 12/17/93)

WAC 182-08-175 Group coverage while on family and medical leave. Employees on leave under the federal Family and Medical Leave Act of 1993, and regulations implementing that act, shall continue to receive up to twelve weeks of employer-paid group medical, dental, basic life, and basic long-term disability insurance while on family and medical leave and may self-pay their optional life and long-term disability. If an employee fails to return to work after expiration of family and medical leave for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstance beyond the control of the employee, the employer may recover the premiums paid to maintain the employee's insurance coverage from the employee.

WSR 97-21-127

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed October 21, 1997, 11:38 a.m.]

Date of Adoption: October 21, 1997.

Purpose: Clarification to rules in reference to school districts and addition of the TRS III retirement language.

Citation of Existing Rules Affected by this Order: Amending WAC 182-12-111, 182-12-117, 182-12-119, 182-12-132, and 182-12-200.

Statutory Authority for Adoption: RCW 41.05.160.

Adopted under notice filed as WSR 97-17-110 on August 20, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 5, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 5, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 21, 1997

Elin Meyer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-111 Eligible entities and individuals.

The following entities and individuals shall be eligible to participate in PEBB insurance plans subject to the terms and conditions set forth below:

(1) State agencies. Every department, division, or separate agency of state government, including all state higher education institutions, including the higher education coordinating board, and the state board for community and technical colleges is eligible and required to participate in all PEBB approved plans. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

Employees of technical colleges previously enrolled in a benefits trust may terminate PEBB coverage by January 1, 1996, or the expiration of the current collective bargaining agreements, whichever is later. Employees electing to terminate PEBB coverage have a one-time re-enrollment option after a five year wait. Employees of a bargaining unit may terminate only as an entire bargaining unit. All administrative or managerial employees may terminate only as an entire unit.

Technical colleges with employees enrolled in a benefits trust shall remit to the HCA a retiree remittance as specified in the omnibus appropriations act, for each full-time employee equivalent. The remittance may be prorated for employees receiving a prorated portion of benefits.

(2) Employees of employee organizations representing state civil service employees, at the option of each employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of such employee organization.

(3) Employees of a county, municipality or other political subdivision of the state may participate in PEBB insurance programs provided:

(a) All eligible employees of the entity transfer to PEBB plan coverage as a unit. Bargaining units with other group coverage mandated by their collective bargaining agreement will be permitted to waive PEBB coverage as an entire unit, with the approval of the HCA.

(b) The legislative authority or the board of directors obligates itself to participate in all PEBB insurance plans. The PEBB medical and dental plans must be the only employer sponsored medical and dental plans available to all eligible employees.

(c) The legislative authority of the entity or the board of directors submits an application together with employee census data and, if available, prior claims experience of the entity to the HCA.

(d) The legislative authority or the board of directors agrees to maintain its PEBB plan participation for a minimum of one full year, and then through the end of the plan year.

(e) The legislative authority or the board of directors shall provide the HCA written notice of its intent to termi-

PERMANENT

nate PEBB plan participation no later than thirty days prior to the effective date of termination. If a county, municipality, or political subdivision, or employees of employee organizations as defined in WAC 182-12-111(2) terminates coverage in PEBB insurance plans, retired and disabled employees who began participating after September 15, 1991, will no longer be eligible to participate in PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

(f) The HCA administrator approves the entity's application.

(4) School districts and educational service districts. Bargaining units and nonrepresented employees of school districts and educational service districts of the state may participate in PEBB insurance programs provided:

(a) The PEBB plans must be the only medical and dental plans made available to the members of the bargaining unit through their employment by the school district or educational service district.

(b) All eligible employees of the bargaining unit transfer as a unit and all nonrepresented employees transfer as a unit.

(c) The terms and conditions for the payment of insurance premiums shall be set forth in the provisions of the bargaining agreement and shall comply with the employer contribution requirements specified in RCW 28A.400.280. These provisions of the collective bargaining agreement, including eligibility, shall be subject to review and approval by the PEBB at the time of application for participation.

(d) The application to participate in the PEBB plans is subject to the approval of the HCA.

(e) The eligibility requirements for dependents of school district and educational service district employees shall be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-115(10).

(f) The bargaining unit or unit of nonrepresented employees must agree to maintain its PEBB plan participation for a minimum of one full year, and then through the end of the school year.

(5) Eligible nonemployees: (a) Dislocated forest products workers enrolled in the employment and career orientation program pursuant to chapter 50.70 RCW shall be eligible for PEBB medical and dental plan coverage while enrolled in that program.

(b) School board members or students eligible to participate under RCW 28A.400.350.

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-117 Eligible retirees. (1) "Retirees and disabled employees." Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:

(a) Elects Medicare Parts A and B if the retiree, or covered dependents of a retiree, retired after July 1, 1991 and is eligible for Medicare; and

(b) Immediately begins receiving a monthly retirement income benefit from such retirement system; or

(c) If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of

service had the person been employed under the provisions of PERS I or PERS II for the same period of employment; or

(d) Is an elected official as defined under 182-12-115(6) who has voluntarily or involuntarily left a public office, whether or not they receive a benefit from a state retirement system; or

(e) Must have taken a lump sum retirement benefit payment because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their PEBB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any PEBB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. With the exception of the Washington State Patrol, retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the PEBB program at the time of retirement or disability.

(2) Retired and disabled school district and educational service district employees. The following persons are eligible to participate in PEBB medical and dental plans only, provided they meet the enrollment criteria stated below and if eligible for Medicare, be enrolled in Medicare Parts A and B:

(a) Persons receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation begin to receive a retirement allowance or have taken a lump-sum payment because their benefit would be less than fifty dollars under chapter 41.32 or 41.40 RCW. Individuals in teachers' retirement system, TRS III, not receiving a monthly retirement allowance (defined benefit) must be at least age fifty-five with at least ten years of service at the time of separation. Such persons who retire on or after October 1, 1993, must elect PEBB coverage not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement whichever is later;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32 or 41.40 RCW. Such persons must enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement, whichever is later.

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-119 Eligible dependents. "Eligible dependents." The following are eligible as dependents under the PEBB eligibility rules:

(1) Lawful spouse.

(2) Dependent children through age nineteen. The term "children" includes the subscriber's natural children, stepchildren, legally adopted children, children for whom the subscriber has assumed a legal obligation for total or partial support of a child in anticipation of adoption of the child, or children specified in a court order or divorce decree. Married children who qualify as dependents of the subscriber under the Internal Revenue Code, and foster children approved by the HCA are included. To qualify for HCA approval, a foster child must:

(a) Be living with the subscriber in a parent-child relationship;

(b) Be dependent upon the subscriber for financial support;

(c) Not be eligible for coverage under Medicare, Medicaid, or similar government entitlement programs; and

(d) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(3) Dependent children age twenty through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters or two semesters and for the quarter following graduation provided the employee/retiree is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(4) Dependent children of any age who are incapable of self-support due to developmental or physical disability, provided such condition occurs prior to age twenty or during the time the dependent was covered under a PEBB plan as a full-time student. Proof of such disability and dependency must be furnished prior to the dependent's attainment of age twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(5) Dependent parents. Dependent parents covered under a PEBB medical plan before July 1, 1990, may continue enrollment on a self-pay basis as long as:

(a) The parent maintains continuous coverage in a PEBB-sponsored medical plan;

(b) The parent continues to qualify under the Internal Revenue Code as a dependent of an eligible subscriber;

(c) The subscriber who claimed the parent as a dependent continues enrollment in a PEBB program; and

(d) The parent is not covered by any other group medical insurance. Dependent parents may be enrolled in a different PEBB plan than that selected by the eligible subscriber; however, dependent parents may not add additional family members to their coverage.

(6) Surviving dependents.

(a) The following surviving dependents may continue their medical and dental coverages on a self-pay basis:

(i) If a dependent loses eligibility under a PEBB plan due to the death of the employee (~~or retiree~~), the dependent(s) may continue coverage under a retiree plan provided the dependent(s) will immediately begin receiving a monthly benefit from any state of Washington-sponsored retirement system (the Federal Civil Service Retirement System shall be considered a Washington sponsored retirement system for Washington State University cooperative extension service employees who held a federal civil service appointment and who were covered under the PEBB program at the time of death).

(ii) If a surviving dependent of a PEBB employee (~~or retiree~~) is not eligible for a monthly retirement income benefit, or lump-sum payment because the monthly pension payment would be less than \$50, the dependent may be eligible for continued coverage under COBRA.

(iii) Dependents of retirees covered under a PEBB plan at the time of the retiree's death are eligible to continue PEBB retiree coverage.

(iv) Surviving spouses and/or eligible dependent children of a deceased school district or educational service district employee who were not enrolled in a PEBB plan at the time of death may continue coverage provided the employee died on or after October 1, 1993 and the dependent(s) immediately began receiving a retirement benefit allowance under chapter 41.32 or 41.40 RCW.

(b) Application for surviving dependent(s) coverage must be made in writing on the enrollment form approved by the health care authority within sixty days from the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree coverage terminated subject to the payment of the premium. The employee's or retiree's spouse may continue coverage indefinitely; other dependents may continue coverage until they lose eligibility under PEBB rules.

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-132 Retirees returning to state employment. If a retiree returns to work and is again eligible for employer contributions towards their PEBB or Washington state school district sponsored benefits the retiree may cancel their retirement deduction for health coverage as soon as eligibility is established and the retiree is enrolled as an active employee. The retiree must maintain retiree term life coverage during active employment in order to retain it at retirement. When the retiree again ceases active employment, the retiree must reenroll in a PEBB retiree plan within 60 days.

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-200 Retirees may change enrollment in approved PEBB health plans. A retiree, whose spouse is enrolled as an eligible employee in a PEBB or Washington state school district-sponsored health plan, may defer enrollment in PEBB retiree medical and dental plans and enroll in the spouse's PEBB or school district-sponsored health plan. If a retiree defers enrollment in a PEBB retiree medical plan, enrollment must also be deferred for dental coverage. The retiree and eligible dependents may subse-

quently enroll in a PEBB retiree medical, or medical and dental, plan(s) if the retiree was continuously enrolled under the spouse's PEBB or school district-sponsored health coverage from the date the retiree was initially eligible for retiree coverage:

(1) During any open enrollment period determined by the HCA; or

(2) Within 31 days of the date the spouse ceases to be enrolled in a PEBB or school district-sponsored health plan as an eligible employee; or

(3) Within 31 days of the date of the retiree's loss of eligibility as a dependent under the spouse's PEBB or school district-sponsored health plan.

WSR 97-21-128
PERMANENT RULES
HEALTH CARE AUTHORITY

[Filed October 21, 1997, 11:40 a.m.]

Date of Adoption: October 21, 1997.

Purpose: Revision of the WAC to reflect current Health Care Authority policies.

Citation of Existing Rules Affected by this Order: Amending WAC 182-16-030, 182-16-040, and 182-16-050.

Statutory Authority for Adoption: RCW 41.05.160.

Adopted under notice filed as WSR 97-17-109 on August 20, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 3, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 21, 1997

Elin Meyer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 91-14-025, filed 6/25/91, effective 7/26/91)

WAC 182-16-030 Appeals from agency decisions—Applicability. Any enrollee of ~~((a))~~ the health care ~~((authority administered))~~ authority's administered insurance plans ~~((the self-insured plans))~~ aggrieved by a decision of the agency or its agent concerning any matter related to scope of coverage, denials of claims, determinations of eligibility, or cancellations or nonrenewals of coverage may obtain administrative review of such decision by filing a notice of appeal with the ~~((administrator of the))~~ health care authority's appeals committee. Review of decisions made by

HMOs or similar health care contractors will be pursuant to the grievance/arbitration provisions of those plans and are not subject to these rules. Except that decisions concerning eligibility determinations are reviewable only by the health care authority.

AMENDATORY SECTION (Amending WSR 91-14-025, filed 6/25/91, effective 7/26/91)

WAC 182-16-040 Appeals—Notice of appeal contents. Any person aggrieved by a decision of the health care authority may appeal that decision by filing a notice of appeal with the ~~((administrator))~~ health care authority's appeals committee. The notice of appeal must contain:

(1) The name and mailing address of the enrollee;

(2) The name and mailing address of the appealing party;

(3) The name and mailing address of the appealing party's representative, if any;

(4) A statement identifying the specific portion of the decision being appealed ~~((from and that portion of the decision considered unjust or unlawful))~~ making it clear what it is that is believed to be unlawful or unjust;

(5) A clear and concise statement of facts in support of appealing party's position;

(6) ~~((A statement indicating whether the aggrieved person desires a hearing;~~

~~((7)))~~ Any and all information or documentation that the aggrieved person would like considered and feels substantiates why the claim or request for coverage should be covered (information or documentation submitted at a later date, unless specifically requested by the appeals committee, may not be considered in the appeal decision);

(7) A copy of the plan's response to the issue the appellant has raised;

(8) The type of relief sought;

~~((8)))~~ (9) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by his/her signature and the signature of his/her representative, if any;

~~((9)))~~ (10) The appealing party shall file, personally or by mail, with the health care authority the original ~~((and two copies of the))~~ notice of appeal. The notice of appeal must be received by the health care authority within sixty days after the decision of the agency staff was mailed to the appealing party. The agency shall acknowledge receipt of the copies filed with the agency ~~((and the agency's stamp placed upon such copies shall be prima facie evidence of the date of receipt))~~;

~~((10)))~~ (11) Within thirty days after receipt of notice of appeal, the agency shall notify the appellant of any obvious errors or omissions, and request any additional information.

(12) The appeals committee will render a written decision within sixty days of receipt of the appeal.

AMENDATORY SECTION (Amending WSR 91-14-025, filed 6/25/91, effective 7/26/91)

WAC 182-16-050 Appeals—Hearings. (1) ~~((If, in his/her notice of appeal, the person aggrieved does not request a hearing on the matter, the administrator or his/her designee shall consider all information submitted by the parties and render a decision which shall be deemed the final decision~~

PERMANENT

~~of the agency. A copy of that decision accompanied by a written statement of the reasons for the decision shall be served upon the enrollee or person aggrieved and the agency staff or agent who rendered the decision appealed from:)) If the health care authority's appeals committee upholds the original denial, the enrollee may request a hearing by writing to the health care authority's appeals manager. The health care authority must receive the written request for a hearing within fifteen days of the date the appeals committee's decision was mailed to the appellant.~~

~~(2) ((If, in his/her notice of appeal the person aggrieved requests a hearing,)) The agency shall set the time and place of the hearing and give not less than seven days notice to all parties and persons who have filed written petitions to intervene.~~

~~(3) The administrator or his/her designee shall preside at all hearings resulting from the filings of appeals.~~

~~(4) All hearings shall be conducted in compliance with these rules, chapter 34.05 RCW and chapter 10-08 WAC as applicable.~~

~~(5) ((Following completion)) Within ninety days of the hearing, the administrator or his/her designee shall render a decision which shall be the final decision of the agency. A copy of that decision accompanied by a written statement of the reasons for the decision shall be served on all parties and persons who have intervened.~~

WSR 97-21-129
PERMANENT RULES
HEALTH CARE AUTHORITY
[Filed October 21, 1997, 11:44 a.m.]

Date of Adoption: October 21, 1997.

Purpose: Repeal chapter 182-18 WAC as it is outdated and no longer applicable.

Citation of Existing Rules Affected by this Order: Repealing WAC 182-18-005 through 182-18-160.

Statutory Authority for Adoption: RCW 41.05.160.

Adopted under notice filed as WSR 97-17-108 on August 20, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 17.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 17.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 21, 1997
Elin Meyer
Rules Coordinator

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 182-18-005 Purpose.
- WAC 182-18-010 Transplant program.
- WAC 182-18-020 New programs.
- WAC 182-18-030 Pediatric programs.
- WAC 182-18-040 Transplant team training and experience.
- WAC 182-18-050 Multiple organ transplants.
- WAC 182-18-060 Institutional commitment.
- WAC 182-18-070 Patient management.
- WAC 182-18-080 General recipient selection criteria for all organs.
- WAC 182-18-090 Liver transplant program.
- WAC 182-18-100 Liver transplant team training and experience.
- WAC 182-18-110 Kidney transplant program.
- WAC 182-18-120 Kidney transplant team training and experience.
- WAC 182-18-130 Pancreas transplant program.
- WAC 182-18-140 Pancreas transplant team training and experience.
- WAC 182-18-150 Heart and/or heart-lung transplant program.
- WAC 182-18-160 Heart and/or heart-lung transplant team training and experience.

WSR 97-21-133
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed October 21, 1997, 3:48 p.m., effective January 1, 1998]

Date of Adoption: October 17, 1997.

Purpose: To identify new fees, modify definitions for existing fees, and make minor changes in text to clarify the intent and application of rules.

Citation of Existing Rules Affected by this Order: Amending WAC 352-32-250 Standard fees charged, 352-32-010 Definitions, 352-32-210 Consumption of alcohol in state park areas, and 352-32-251 Limited income senior citizen, disability, and veteran disability passes.

Statutory Authority for Adoption: RCW 43.51.060, 43.51.055, 43.51.050, 43.51.040, 43.51.300.

Adopted under notice filed as WSR 97-18-080 on September 3, 1997.

Changes Other than Editing from Proposed to Adopted Version: Changes to WAC 352-32-250, the commission withdrew proposed fees for cable television and telephone hookups. Also the commission modified the group registration fee requirement to apply to groups of a size to be specified in the fee schedule on a park-by-park basis.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

PERMANENT

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 4, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 5, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 5, repealed 0.

Effective Date of Rule: January 1, 1998.

October 21, 1997

Jim French

Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 96-22-018, filed 10/29/96, effective 1/1/97)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping unit" shall mean a group of people (one or more persons) that is organized, equipped and capable of sustaining its own camping activity.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

"Commission" shall mean the Washington state parks and recreation commission.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for

the use of organized groups. Facilities and extent of development vary from park to park.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for (~~primitive~~) camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity (~~by Thursday or~~) on Friday or Saturday night during the high use season (~~and the typical park user plans to stay more than one night~~).

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus,

or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than twenty days within a thirty-day time period May 1 through September 30; or thirty days within a sixty-day time period October 1 through April 30. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights May 1 through September 30 and fifteen consecutive nights October 1 through April 30 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, flush comfort station and picnic table.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-36 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Watercraft launch site" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 43.51.456.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are

near water ways, and that have varying facilities and extent of development.

AMENDATORY SECTION (Amending WSR 94-13-081, filed 6/13/94, effective 7/14/94)

WAC 352-32-210 Consumption of alcohol in state park areas. (1) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages in any state park or state park area is prohibited except in the following designated areas and under the following circumstances in those state parks or state park areas not posted by the director as closed to alcohol pursuant to subsection (4) of this section:

(a) In designated campsites or in other overnight accommodations, by registered (~~(campers)~~) occupants or their guests;

(b) In designated picnic areas, which shall include those sites within state park areas where picnic tables, benches, fireplaces, and/or outdoor kitchens are available, even though not signed as designated picnic areas(±) and public meeting rooms;

(c) In any reservable group day use facility by any authorized group which has paid the reservation fee and applicable damage deposit and which has obtained prior permit authorization to have alcohol by the park manager; and

(d) In any building, facility or park area operated and maintained under a concession agreement, wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(2) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages is prohibited at the following locations:

(a) Dash Point State Park;

(b) Saltwater State Park;

Except in the following designated areas and under the following circumstances:

(i) In designated campsites, or in other overnight accommodations by registered (~~(campers)~~) occupants or their guests.

(ii) In any building, facility or park area operated and maintained under a concession agreement wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(iii) In any reservable group day use facility by any authorized group which has paid the reservation fee and applicable damage deposit and which has obtained prior permit authorization to have alcohol by the park manager.

(3) The director may, for a specified period or periods of time, close any state park or state park area to alcohol if the director concludes that an alcohol closure is necessary for the protection of the health, safety and welfare of the public, park visitors or staff, or commission property. The director shall consider factors including but not limited to the effect or potential effect of alcohol on public and employee safety, park appearance, atmosphere, and noise levels, conflicts with other park uses or users, the demand for law

enforcement, and the demand on agency staff. Prior to closing any park or park area to alcohol, the director or the director's designee shall hold a public hearing in the general area of the park or park area to be closed to alcohol. Prior notice of the meeting shall be published in a newspaper of general circulation in the area. In the event the director determines that an immediate alcohol closure is necessary to protect against an imminent and substantial threat to the health, safety and welfare of the public, park visitors or staff, or commission property, the director may take emergency action to close a park or park area to alcohol without first complying with the publication and hearing requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director to comply with the publication and hearing requirements of this subsection.

(4) The director shall ensure that any park or park area closed to alcohol pursuant to subsection (3) of this section is conspicuously posted as such at the entrance to said park or park area. Additionally, the director shall maintain for public distribution a current list of all parks and park areas closed to alcohol pursuant to subsection (3) of this section.

(5) Dispensing alcoholic beverages from containers larger than two gallons is prohibited in state park areas except when authorized in writing and in advance by the park manager.

(6) The provisions of this rule shall not apply to any part of the Seashore Conservation Area, as designated and established by RCW 43.51.655.

(7) Opening, consuming, or storing alcoholic beverages in Fort Simcoe State Park and Squaxin Island State Park is prohibited.

(8) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 96-22-018, filed 10/29/96, effective 1/1/97)

WAC 352-32-250 Standard fees charged. Fees shall be charged in parks operated by the (~~Washington state parks and recreation~~) commission for use of lands, facilities, programs, services, and materials as published by state parks: *Provided, however,* That the director has the authority to discount fees to a maximum of 50% below the published fee amounts in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time less than one year in duration. The director may consider the following factors in temporarily establishing or discounting fees:

- Prevailing rates for comparable facilities;
- Day of the week;
- Season of the year;
- Amenities of the park area and site;
- Demand for facilities; and

Such other considerations as the director deems appropriate. The director may also waive fees for marketing or promotional purposes or to redress visitor complaints, provided, however, that annual fees may not be waived. The director may also establish temporary fees for a maximum of one year for new facilities or services.

(1) The director may authorize reciprocity with other state or federal agencies for the use of annual permits of like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit;

(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; primitive campsite for nonmotorized vehicle; primitive campsite for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger;

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(4) Group camping area - certain parks: Individual camping units using these facilities must pay the primitive campsite fee or other appropriate fee based on facilities available;

(5) Environmental interpretation:

(a) Service fees will be established by the director in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 43.51.052.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

(6) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided;

(7) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: *Provided,* An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(8) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

(9) Watercraft launch site permit fee - charged according to facilities provided. Boat launch permit shall not be required for:

(a) Vehicles, other than those registered as extra overnight parking vehicles, registered for camping or overnight mooring in the park containing the watercraft launch site;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual watercraft launch site permit;

(10) Annual watercraft launch site permit valid January 1 - December 31 at any launch site designated by the commission. Permit must be displayed as instructed on permit backing;

(11) Trailer dump station fee - Fee shall not be required for:

(a) Registered camping vehicles in the park containing the dump station;

(b) Vehicles of persons holding limited-income senior citizen, disability or disabled veterans passes;

(12) Popular destination park - a surcharge will apply for use of standard or utility campsite located in a popular destination park during such periods as the director may specify;

(13) Water trail site permits -

(a) Unlimited use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$1.00 per site available for public use at the start of the calendar year;

(b) One day/night use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$.35 per site available for public use at the start of the calendar year;

(c) For children under 13 years of age the permits shall be issued at no cost;

(d) Water trail permits issued to persons by another state or Canadian province will be honored provided that a similar reciprocal provision for Washington water trail permit holders is issued by that state or province;

(e) Water trail permits will be issued to holders of Washington state parks passes (WAC 352-32-251) for the applicable discounts;

(14) A surcharge per collection shall be assessed for any staff collected fee at a self-registration overnight facility;

(15) Group day use facilities - a minimum daily permit fee will be charged for groups of 20 or more;

(16) Reservation transaction - fee will be charged as published by state parks;

(17) Moorage facilities - fee will be charged as published by state parks;

(18) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended;

(19) Commercial recreation provider permit registration - a fee shall be charged, as published by state parks for registration as a commercial recreation provider;

(20) Commercial recreation provider permit - effective January 1, 1998, a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

(21) Sno-park permit - seasonal and daily permit fees will be charged as published by state parks.

(22) Special groomed trail permit - a state-wide special groomed trail permit will be required for use of special groomed trail areas. The fee charged will be as published by state parks.

(23) Wood debris collection permit - fee will be charged for collection and removal of wood debris from a state park area pursuant to RCW 4.24.210. The fee may be waived for volunteers assisting with emergency salvage and storm clean-up in the parks.

(24) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

(25) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

(26) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

(27) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

AMENDATORY SECTION (Amending WSR 96-22-018, filed 10/29/96, effective 1/1/97)

WAC 352-32-251 Limited income senior citizen, disability, and veteran disability passes. (1)(a) Persons who are senior citizens, meet the eligibility requirements of RCW 43.51.055, and have been residents of Washington state for at least one year shall, upon application to the commission accompanied by either a copy of a federal income tax return filed for the previous calendar year, or a senior citizen property tax exemption pursuant to RCW 84.36.381, or a notarized affidavit of income on a form provided by the commission, receive a limited income senior citizen pass at no charge, which entitles the holder and the holder's camping unit to free admission to any state park administered facility, free use of trailer dump stations, watercraft launch sites, and to a fifty percent reduction in any campsite fees or moorage fees levied by the commission. Limited income senior citizen passes shall remain valid so long as the pass holder meets eligibility requirements.

(b) Proof submitted to the commission for the return of a senior citizen pass surrendered upon request to a commission employee who has reason to believe the user does not meet the eligibility criteria shall be the same as listed in subsections (1) and (5) of this section for original pass issuance.

(2) Persons who are permanently disabled, legally blind, or profoundly deaf, meet the eligibility requirements of RCW 43.51.055, and have been residents of Washington state for at least one year shall, upon application to the commission, receive a five year disability pass at no charge and other disabled persons who meet the eligibility requirements of RCW 43.51.055 and have been residents of Washington state for at least one year shall, upon application to the commission, receive a one year disability pass which entitles the holder and the holder's camping unit to free

admission to any state park administered facility, free use of trailer dump stations, watercraft launch sites, and to a fifty percent reduction in any campsite fees or moorage fees levied by the commission.

(3) Persons who are veterans, meet the eligibility requirements of RCW 43.51.055, and have been residents of Washington state for at least one year shall, upon application to the commission, receive a lifetime veteran disability pass at no charge which entitles the holder and the holder's camping unit to free admission to any state park administered facility and to free use of any state park campsite, trailer dump station, watercraft launch site, or moorage facility, and reservation service.

(4) Applications for limited income senior citizen, disability, and veteran disability passes shall be made on forms prescribed by the commission.

(5) Verification of age shall be by original or copy of a birth certificate, notarized affidavit of age, witnessed statement of age, baptismal certificate, or driver's license. Verification of residency shall be by original or copy of a Washington state driver's license, voter's registration card, or senior citizen property tax exemption.

(6) For pass holders who travel by car or recreational vehicle a camping unit shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area when in the judgment of a ranger the constructed facilities so warrant and the total number of guests of the holder do not exceed seven.

(7) For pass holders who travel by a mode of transportation other than car or recreational vehicle a camping unit shall include the pass holder and up to five guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.

(8) If the conditions of a pass holder change during the time period when a pass is valid such that a pass holder no longer meets the eligibility requirements of RCW 43.51.055 and WAC 352-32-251, then a pass holder shall return a pass to the commission.

AMENDATORY SECTION (Amending WSR 92-15-120, filed 7/21/92, effective 8/21/92)

WAC 352-32-270 Sno-park permit(~~(—Fee)~~). Fees for the (~~fees and commencement and expiration dates for~~) winter recreational area parking permits (~~issued~~) will be established by the (~~state of Washington~~) commission and shall be (~~as follows~~) published by state parks. These permits include:

(1) Seasonal permit - (~~(\$20.00 per vehicle per season—)~~) commences October 1 and expires May 1 of the winter season for which it is issued.

(2) (~~Three day permit — \$10.00 per vehicle — commences on the date identified on the permit in the space provided and expires no later than twelve midnight two consecutive days later.~~

(3) One day permit - (~~(\$7.00 per vehicle—)~~) commences on the date identified on the permit in the space provided and expires on that same date.

(3) Special groomed trail permit - the director may designate certain sno-parks as requiring a special groomed trail permit. In making this designation the director may consider the following factors:

The facilities and services available;

The demand for facilities and services; user days; and

Such other considerations as the director deems appropriate.

WSR 97-21-140

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 97-21—Filed October 22, 1997, 9:35 a.m.]

Date of Adoption: October 14, 1997.

Purpose: To repeal WAC 173-401-830 Appendix A—Insignificant activities and emission units.

Citation of Existing Rules Affected by this Order: Repealing WAC 173-401-830.

Adopted under preproposal statement of inquiry filed as WSR 97-14-075 on June 30, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 19, 1997

Tom Fitzsimmons

Director

PERMANENT



**WSR 97-21-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

(Fisheries)

[Order 97-207—Filed October 2, 1997, 2:00 p.m., effective October 4, 1997, 6:01 p.m.]

Date of Adoption: October 2, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-40-027.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Information indicates smaller than anticipated Willapa Bay chinook and coho run sizes. A reduction in the Willapa commercial gill net fishery is necessary to avoid overharvest. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 4, 1997, 6:01 p.m.

October 2, 1997

Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-40-02700R Salmon—Willapa Bay fall fishery. Notwithstanding the provisions of WAC 220-40-027, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes from Salmon Management and Catch Reporting Area 2H.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. October 9, 1997:

WAC 220-40-02700R Salmon—Willapa Bay fall fishery.

**WSR 97-21-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

(Fisheries)

[Order 97-208—Filed October 6, 1997, 8:41 a.m., effective October 6, 1997, 9:00 a.m.]

Date of Adoption: October 3, 1997.

Purpose: Commercial and subsistence fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-01000S; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation provides access to a portion of the commercial sturgeon allocation. There are 6,600 sturgeon remaining on the commercial guideline for 1997. It provides access to late stock coho which are projected to have harvestable surplus available while providing access to the non-Indian share of harvestable upriver chinook. This rule is consistent with the 1996-98 Management Agreement and the Endangered Species Act. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 6, 1997, 9:00 a.m.

October 3, 1997

Evan Jacoby
for Bern Shanks
Director

NEW SECTION

WAC 220-33-01000T Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, shad, and sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) **Area:** SMCRA 1A, 1B, 1C, 1D, 1E.

Season: 9:00 a.m. Monday, October 6 to 12:00 noon Tuesday, October 7, 1997.

Mesh Size: No minimum mesh restriction.

Allowable Sale: Salmon and sturgeon

2) Area SMCRA 1A, 1B, 1C, 1D, 1E

Season: 12:00 noon Wednesday, October 8 to 12:00 noon Friday, October 10, 1997.

Mesh Size: No minimum mesh restriction

Allowable Sale: Salmon

3) Area: SMCRA 1A, 1B, 1C, 1D, 1E.

Season: 5:00 a.m. to 5:00 p.m. Monday, October 13, 1997.

Mesh Size: No minimum mesh restriction

Allowable Sale: Salmon and sturgeon

4) Area: SMCRA 1A, 1B, 1C, 1D, 1E.

Season: 6:00 p.m. Tuesday October 14 to 6:00 p.m. Thursday October 16, 1997.

Mesh Size: No minimum mesh restriction.

Allowable Sale: Salmon

5) Sanctuaries: During the seasons provided for in subsection 1-4 the following sanctuaries as defined in WAC 220-33-005, are closed to fishing:

Grays River	Sandy River	Cowlitz	Lewis-B
Elokomin	Washougal River	Kalama	

6) It is unlawful to gaff sturgeon.

White sturgeon less than 48 inches or greater than 60 inches or green sturgeon less than 48 inches or greater than 66 inches may not be retained for commercial purposes and shall be returned immediately to the water. The length of a sturgeon is the shortest distance between the tip of the nose and the extreme tip of the tail measures while the fish is lying on its side on a flat surface with its tail in a normal position.

Sturgeon must be delivered to wholesale dealer or fish buyers undressed (in the round)

It is unlawful for a wholesale dealer or fish buyer to possess a sturgeon from which the head and/or tail have been removed if the remaining carcass is less than 28 inches in length. A carcass length of less than 28 inches is prima facie evidence that the total length of the whole sturgeon was less than 48 inches.

It is unlawful to sell unprocessed eggs from lower Columbia sturgeon.

7) Area: Blind Slough Terminal Fishery

Description: In Blind Slough, from the railroad bridge downstream to markers at the mouth of Blind Slough and for Oregon license holders upstream to markers at the mouth of Gnat Creek.

Season: 6:00 p.m. Sunday to 8:00 a.m. Monday; 6:00 p.m. Monday to 8:00 a.m. Tuesday; 6:00 p.m. Tuesday to 8:00 a.m. Wednesday; of each week beginning September 28 through October 21, 1997.

Gear: Nets restricted to 50 fathoms in length.

No weight restriction on lead line.

No minimum mesh restriction.

Allowable sale: Salmon

8) Area: Tongue Point Terminal Fishery

Description: Tongue Point basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the

northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the north-west bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank.

Season: 6:00 p.m. Wednesdays to 8:00 a.m. Thursday; 6:00 p.m. Thursdays to 8:00 a.m. Fridays of each week beginning October 1 through October 23, 1997.

Gear: Nets restricted to maximum length of 250 fathoms.

Weight on lead line not to exceed 2 pounds on any one fathom.

No minimum mesh restriction.

Special Rule: Fishers participating in the Tongue Point fishery may have on their boats gill nets with lead line in excess of two pounds per fathom.

Allowable sale: Salmon

9) Area: Deep River Terminal Fishery

Description: In Deep River, from the town of Deep River to the mouth of Deep River defined by a marker at Miller Point westerly to a marker on the opposite bank. Area from town of Deep River downstream to Highway 4 Bridge open only to Washington license holders.

Season: 6:00 p.m. Sundays to 8:00 a.m. Mondays; 6:00 p.m. Mondays to 8:00 a.m. Tuesdays; 6:00 p.m. Tuesdays to 8:00 a.m. Wednesdays; of each week beginning September 28 through October 21, 1997.

Gear: Nets restricted to 100 fathoms in length.

No weight restriction on lead line.

No minimum mesh restrictions.

Allowable Sale: Salmon

Additional Rule: For all areas listed above it is unlawful to transport fish outside of the fishing area when the adjacent mainstem Columbia River is closed unless by licensed buyer, or if the catch has been "sampled" by a representative of the Washington Department of Fish and Wildlife. "Sampled" means the catch was examined and a permit was issued.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000S Columbia River gillnet seasons below Bonneville. (97-199)

WSR 97-21-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-206—Filed October 7, 1997, 4:07 p.m., effective October 15, 1997, 12:01 p.m.]

Date of Adoption: October 6, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000S; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Test results show that adequate clams are available for harvest in Razor Clam Areas 1, 2 and those portions of Razor Clam Area 3 opened for harvest. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 15, 1997, 12:01 p.m.
September 30, 1997
Bern Shanks
Director

NEW SECTION

WAC 220-56-36000S Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, except as provided for in this section:

(1) Effective 12:01 p.m. October 15 through 11:59 p.m. October 21, 1997, razor clam digging is allowed in the following areas: all of Razor Clam Area 1 and that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty and the southern boundary of the Quinault Indian Nation and that portion between Olympic National Park South Beach Campground (Kalaloch area, Jefferson County) and Browns Point Olympic National Park Beach (Kalaloch area, Jefferson County). Digging is allowed from 12:01 p.m. to 11:59 p.m. on odd numbered days only.

(2) Effective 12:01 p.m. October 15 through 11:59 p.m. November 19, 1997, razor clam digging is allowed in all of Razor Clam Area 2. Digging is allowed from 12:01 p.m. to 11:59 p.m. on odd numbered days only.

(3) Effective 12:01 p.m. January 30 through 11:59 p.m. January 31, 1998, razor clam digging is allowed in the following areas: all of Razor Clam Areas 1 and 2 and that portion of Razor Clam Area 3 that is between the Copalis

River and the southern boundary of the Quinault Indian Nation. Digging is allowed from 12:01 p.m. to 11:59 p.m.

(4) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. January 31, 1998:

WAC 220-56-36000S Razor clams—Areas and seasons.

WSR 97-21-038
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)

[Order 97-209—Filed October 10, 1997, 4:15 p.m.]

Date of Adoption: October 9, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Approximately 150 surplus Skamania stock summer steelhead not needed for broodstock purposes are available at the Ringold Hatchery. To meet wild steelhead conservation needs and provide recreational opportunity, the department is requesting to plant these fish into Scootney Reservoir. The transfer of these fish into this reservoir meets agency policies and guidelines. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 9, 1997
Bern Shanks
Director

EMERGENCY

NEW SECTION

WAC 232-28-61900U Washington game fish seasons and catch limits—Exception to statewide rules—Scootney Reservoir. Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice: Scootney Reservoir (Franklin County): Trout: No more than two over twenty inches in length.

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

WSR 97-21-044
EMERGENCY RULES
SECRETARY OF STATE
 [Filed October 13, 1997, 9:20 a.m.]

Date of Adoption: October 13, 1997.

Purpose: To provide consistent election procedures for the general election in 1997, until permanent rules can be adopted.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-40-310; and amending WAC 434-24-120, 434-40-010, 434-40-190, 434-40-240, 434-40-270, 434-40-230, 434-53-050, 434-61-040, and 434-62-040.

Statutory Authority for Adoption: RCW 29.04.080, 29.04.210, 29.36.150, 29.79.200.

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.

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 8, amended 9, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 8, amended 9, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 8, amended 9, repealed 1; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 13, 1997
 Donald F. Whiting
 Assistant Secretary of State

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-120 Contents of precinct list of registered voters. The precinct list of registered voters as required by RCW 29.48.030 shall contain the name, residence address, sex, month and day of birth, and voter

registration number of each voter in the precinct, a listing of the districts in which that voter resides, and a designation of the applicable county, legislative district, and precinct, or a ballot code identifying this information. The names shall be listed alphabetically by surname. The list ~~((may also))~~ shall contain a space for each voter to sign his/her name and to verify his/her current address and a space for the inspector or judge to credit the voter with having participated in a particular election as provided in RCW 29.51.070. ~~((Each county shall submit its output format for listing to the secretary of state who shall determine whether such format is suitable for use at the polls. If so, he shall approve that format for use in all elections in that county-))~~ The county auditor may eliminate from precinct lists ongoing absentee voters and voters requesting absentee ballots for that election. If the names of such voters do not appear, the precinct list shall clearly indicate that the voters are not included on the list.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-40-010 Definitions. As used in this chapter:

(1) An "elector" of the state of Washington is any person who qualifies under state or federal law as an overseas voter, service voter, or out-of-state voter and who:

(a) Is not currently a registered voter in Washington or any other state;

(b) Will be at least eighteen years of age at the time of the next election;

(c) Is a citizen of the United States;

(d) Is a legal resident of the state, county, and precinct for at least thirty days preceding the election at which he or she offers to vote;

(e) Is not currently being denied his or her civil rights by being convicted of a crime for which he or she could have been sentenced to the state penitentiary;

(2) "Out-of-state voters," "overseas voters," "protected records voters," and "service voters" are electors of the state of Washington and are **not** registered voters of Washington or any other state; electors of the state of Washington who are spouses or dependents of service voters shall be considered to be either out-of-state voters or overseas voters;

(3) "Service voters" are electors of the state of Washington who are outside the state during the period available for voter registration and who are members of the armed forces while in active service, are students or members of the faculty at a United States military academy, are members of the merchant marine of the United States, are members of a religious group or welfare agency officially attached to and serving with the armed forces of the United States, or are certified participants in the address confidentiality program authorized by chapter ~~((23, Laws of 1991))~~ 40.24 RCW.

(4) "Canvassing" is that process of examining, in detail, a ballot, groups of ballots, election subtotals, or grand totals in order to determine the final official returns of a primary, special, or general election and in order to safeguard the integrity of the election process;

(5) "Canvassing board" or "county canvassing board" is that body charged by law with the duty of canvassing absentee ballots, of ruling on the validity of ~~((questioned))~~ special or challenged ballots, of verifying all unofficial

returns as listed in the auditor's abstract of votes, and of producing the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chairperson of the board of the county legislative authority, or their representatives, designated pursuant to the provisions of WAC ((434-40-210)) 434-240-210;

(6) "Territorial limits of the United States" means the fifty United States and the District of Columbia;

(7) (~~"Blind voter" is a voter who has no vision or whose vision with corrective lenses is so defective as to prevent performance of ordinary activities for which eyesight is essential, or who has an eye condition of a progressive nature which may lead to blindness;~~

(8) ~~"Voter requiring assistance" is any voter who has a sensory or physical handicap that results in his or her inability to vote at a polling place without assistance; such assistance shall be provided in the manner set forth by RCW 29.51.200;~~

(9) ~~"Disabled voter" is any blind voter, voter requiring assistance, or any voter who has:~~

(a) ~~Lost both lower limbs;~~

(b) ~~Lost normal or full use of the lower limbs to sufficiently constitute severe disability;~~

(c) ~~No ability to move without crutches or a wheelchair;~~

(d) ~~Lost both hands;~~

(e) ~~A lung disease where forced expiratory respiratory volume when measured by spirometry is less than one liter per second;~~

(f) ~~Cardiovascular disease classified as Class III or IV under American Heart Association standards;~~

(10) ~~"Ongoing absentee ballot" is ((that absentee ballot provided to disabled voters and voters over the age of sixty-five, pursuant to the provisions of RCW 29.36.013)) a ballot provided to voters who have requested in writing to automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote, and provided to voters who are certified participants in the address confidentiality program, pursuant to the provisions of chapter ((23, Laws of 1991)) 40.24 RCW;~~

((11)) (8) "Hospital absentee ballot" is that absentee ballot provided to voters confined to a hospital no earlier than five days before a primary or election, pursuant to the provisions of RCW 29.36.010;

((12)) (9) "Special absentee ballot" is that ballot provided to registered voters and electors in state primary and general elections who indicate on their application that they believe they will be residing or stationed or working outside the continental United States at the time of the election and that they will be unable to vote and return a regular absentee ballot during the time period provided by law;

((13)) (10) "Regular absentee ballot" is that absentee ballot provided to voters or electors who request an absentee ballot and who do not either request or qualify for an ongoing absentee ballot, hospital absentee ballot, or special absentee ballot;

((14)) (11) "Secure storage" are those locations provided for the storage of all material connected with the absentee ballot process, including ballots, and shall be under the direct control of the county auditor(~~; it shall be locked during those periods of time when the auditor's office is closed, and when the office is open, access shall be permit-~~

~~ted only to the county auditor and to those persons authorized in writing)). Secure storage shall employ the use of numbered seals and logs or any other security measures which will detect any inappropriate access to the secured materials when such materials are not being prepared or processed by the county auditor or persons authorized by the county canvassing board;~~

((15)) (12) "Challenged ballot" is that ballot issued to any voter whose registration has been challenged pursuant to the provisions of chapter 29.10 RCW and this chapter;

((16) "Questioned") (13) "Special ballot" is that ballot issued to a voter by precinct election officers pursuant to WAC ((434-40-250)) 434-240-250 or whenever any doubt exists as to the voter's qualifications to vote in an election and no challenge has been made by either a registered voter or the precinct election officer.

((17)) (14) "County auditor" shall be as defined by RCW 29.01.043, and with respect to the processing of absentee ballots and applications, the term includes any employee of the county auditor who is directed in writing to perform those duties on behalf of the county auditor.

(15) "Mail ballot precinct" is any precinct containing less than two hundred active registered voters at the closing of voter registration under RCW 29.07.160 in which the county auditor has determined to conduct the voting by mail ballot.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-240 Verification of the signature and postmark on absentee ballots. ((The county canvassing board shall examine the signature on the return envelope of all absentee ballots to ensure that the applicant is qualified to cast the ballot. The provisions of WAC 434-40-140 shall be applicable in determining the validity of the signature as it appears on the return envelope.)) An absentee ballot shall be counted only if:

(1) It is returned in the return envelope;

(2) The affidavit is signed by the registered voter to whom it was issued;

(3) The signature has been verified by the county canvassing board;

(4) It is postmarked not later than the day of the election or deposited not later than 8:00 p.m. on election day; and

(5) The absentee ballot is received by the certification of the election.

The canvassing board must compare the signature on the return envelope, or on a copy of the return envelope, with the signature as it appears on the voter's voter registration card. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries. For service voters, overseas voters, and out-of-state voters the date of mailing shall be the date indicated by the voter on the return envelope, and any envelope which

shows a date subsequent to the date of the primary or general election shall be referred to the county canvassing board for disposition. For all other absentee ballots, the date of mailing shall be the postmark, if present and legible. If the postmark is not present or legible, the date of mailing shall be considered the date indicated by the voter on the return envelope. All absentee ballots showing a postmark subsequent to the date of the primary or election, or a date indicated by the voter subsequent to the date of the primary or election if the postmark is missing or illegible, shall be referred to the county canvassing board for their disposition. The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-270 Maintenance of an audit trail on absentee ballots. Each county auditor shall maintain an audit trail with respect to the processing of absentee ballots which shall include, but not be limited to, the following:

- (1) A record of when each absentee ballot application was received, the date the ballot was mailed or issued, and the date the absentee ballot was received;
- (2) The number of absentee ballots issued and returned, by legislative and congressional district, for each primary and general election;
- (3) A record of the disposition of each request for an absentee ballot not honored;
- (4) A record of the disposition of each returned absentee ballot not counted;
- (5) A record of the time and place of each time the county canvassing board met to process absentee ballots;
- (6) A documentation of the security procedures undertaken to protect the integrity of the ballots after receipt, including the seal numbers used to secure the ballots during all facets of the absentee ballot process;
- (7) A reconciliation that all absentee ballots counted plus all absentee ballots rejected is equal to the total number of absentee ballots received.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-40-310 Absentee ballot—Credit for having voted.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-190 Absentee ballot envelopes. Included with any absentee ballot provided to a voter shall be instructions for correctly voting the absentee ballot, a security envelope which shall bear no markings identifying the voter, and a return envelope which shall bear the return address of the issuing officer and shall have a space for the voter to sign his or her name. The return envelope shall also have ((a)) the following statement ((in substantially the following form)):

((AFFIDAVIT OF ABSENTEE BALLOT APPLICANT))

I do solemnly swear under penalty of law (~~as set forth below;~~) that I am a legal resident of the state of Washington (~~and I further certify that I am legally qualified to vote at the election for which this ballot was requested;~~ that) entitled to vote in this election. I have not voted another ballot, and (~~that I herein enclose my ballot for that election;~~) I understand that any person attempting to vote when he or she is not entitled or who falsely signs this affidavit shall be guilty of a felony, punishable by imprisonment of not more than five years or a fine of not more than ten thousand dollars, or both such fine and imprisonment.

.....
Date Ballot Voted Signature of Voter

~~((PENALTY PROVISION: Any person who violates any of the provisions of this chapter, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment (RCW 29.36.160).
.....))~~

All absentee ballot envelopes and return envelopes shall conform to existing postal department regulations (~~regarding size~~). The return envelope shall bear the words "OFFICIAL BALLOT - DO NOT DELAY" prominently displayed on the front, and shall also bear the words "POSTAGE REQUIRED" in the upper right-hand corner.

County auditors shall be permitted to use any existing stock of absentee ballot return envelopes, in the form specified by state law(~~(?)~~) or administrative rule prior to (~~the 1987 amendment to RCW 29.36.030~~) June 1, 1997. Upon exhaustion of that stock or not later than (~~January 1, 1989~~) December 31, 1998, county auditors shall comply with the provisions of this regulation when ordering absentee ballot return envelopes.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-230 Processing of absentee ballots. (1) Prior to initial processing of absentee ballots, the county auditor shall notify the county chair of each major political party of the time and date on which absentee processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of absentee ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of absentee ballots.

(2) All absentee ballot return envelopes may be opened and subsequently processed no earlier than the tenth day prior to any primary or election. In counties tabulating absentee ballots by hand, the inner security envelope may not be opened until after 8:00 p.m. on election day. ((In counties tabulating absentee ballots on an electronic vote tallying system, the ballots may be removed from the inner envelope not earlier than the tenth day prior to a primary or election and the ballots then prepared for processing.))

EMERGENCY

(3) In counties tabulating absentee ballots on an electronic vote tallying system, the canvassing board or its representatives may perform the initial processing of absentee ballots at any time on or after the tenth day prior to the primary or election. Following initial processing, all absentee ballots (whether removed from the inner security envelope or not,) must be kept (in sealed or locked containers and) in secure storage until they are ready (to be tabulated) for final processing.

(4) Final processing may be performed only after 7:00 a.m. on the day of that primary or election.

(5) Tabulation may not occur until after 8:00 p.m. on the day of the primary or election.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-050 Voter unable to sign name—

Authority to vote. Whenever a registered voter's name appears in the poll book or precinct list but the voter is unable to sign his/her name, the ~~((voter shall be provided))~~ precinct election officer shall require the person offering to vote to be identified by another registered voter and issued a ~~((questioned))~~ ballot. The ~~((questioned))~~ ballot shall be processed in the same manner as other ~~((questioned))~~ regularly voted ballots. In the event that the person offering to vote cannot be identified by another registered voter, the precinct election officer shall issue the person a special ballot. Such special ballots shall be referred to the county canvassing board. The precinct election officer shall note on the poll book that the voter could not sign their name. The county auditor shall verify after election day that the voter's registration reflects the voter's inability to sign. The county auditor shall request an updated signature for those voters without current signatures on file.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-61-040 Receipt of ballots at the counting center.

Immediately upon the receipt of voted ballots in transfer containers from the polling places or collection stations, the seal or lock on each ballot container shall be examined to ensure that it is intact. The precinct name or number, time of receipt, and seal number of each container shall be recorded on a transfer case receipt log, and the log shall be initialed by the persons receiving them.

Upon the breaking of the seal and the opening of the container, ~~((a comparison))~~ the seal number shall be compared with the transmittal sheet accompanying the container ~~((shall be made)).~~ ~~((If no lock or seal exists, or if a discrepancy is noted between the information recorded on the transmittal sheet and the seal, the county auditor shall immediately be notified. The nature of the discrepancy shall be entered on the receipt log, the container set aside, and the ballots contained therein not tallied until the discrepancy is resolved. If the container has no seal or the seal has already been broken, it shall be considered a discrepancy and handled in the same manner. If the auditor cannot resolve the discrepancy or arrive at a satisfactory explanation for the discrepancy, the ballots shall be set aside and referred to the canvassing board for their consideration as provided by this rule.))~~ If no discrepancy exists, a notation shall be made on

the ballot receipt log and the ballots shall be forwarded to the next station in the counting center process.

~~((Where a discrepancy does exist and the matter cannot be resolved, the ballots shall be treated as ballots for which a question of validity has arisen, and shall be processed as provided for by law or administrative rule (see chapter 434-62 WAC).))~~ If no seal exists, or if a discrepancy is noted between the information recorded on the transmittal sheet and the seal, the county auditor shall immediately be notified. The nature of the discrepancy shall be entered on the receipt log, the container set aside, and the ballots contained therein not tallied until the discrepancy is resolved. The log shall list the precinct, the nature of the discrepancy, and the corrective action taken. If the county auditor cannot resolve the discrepancy or arrive at a satisfactory explanation for the discrepancy, the ballots shall be treated as ballots for which a question of validity has arisen, and shall be set aside and referred to the canvassing board for their consideration as provided by law or administrative rule (see chapter 434-262 WAC).

AMENDATORY SECTION (Amending Order 80-3, filed 10/3/80)

WAC 434-62-040 Verification of auditor's abstract of votes. The county canvassing board shall examine the auditor's abstract of votes and shall verify that all of the individual precinct and absentee ballot totals have been included in the abstract and that the subtotals and county-wide totals for registered voters and votes cast are an accurate reflection of the sum of those individual precinct and absentee ballot totals. ~~((This verification shall be accomplished, in counties with fewer than 100,000 registered voters, by directing the county auditor or his or her representative to add these individual precinct and absentee ballot totals in the presence of the canvassing board manually or by using an adding machine. The canvassing board shall then compare the subtotals and totals produced in this manner against the subtotals and totals as they appear on the auditor's abstract of votes and verify that the figures are identical. In counties with more than 100,000 registered voters the adding machine tapes or manual totals may be produced prior to the meeting of the canvassing board, but in such counties the canvassing board shall carefully compare the preproduced subtotals and totals against the subtotals and totals as they appear on the official abstract of votes and verify that the two sets of figures are identical.))~~

NEW SECTION

WAC 434-240-205 Replacement absentee ballots.

The county auditor may issue replacement absentee ballots to a voter who both:

- (1) Requested an absentee ballot prior to election day; and
- (2) Did not receive the absentee ballot or whose absentee ballot was damaged, lost, or destroyed.

A voter may request an absentee replacement ballot in person, by mail, by telephone, or by other electronic transmission for himself or herself and for any member of his or her immediate family. The request must be received by the auditor prior to 8:00 p.m. on election day.

The county auditor shall maintain a record of each replacement ballot issued, including the date of the request. Replacement absentee ballots shall be counted in the final tabulation of ballots, and shall only be tabulated if the original ballot is not received by the county auditor and the replacement ballot meets all requirements for tabulation necessary for the tabulation of regular absentee ballots.

NEW SECTION

WAC 434-240-225 Definitions regarding absentee ballots. For purposes of the counting and canvassing of absentee ballots:

(1) "Initial processing" means all steps taken to prepare absentee ballots for tabulation, except for the reading of ballots by an electronic vote tallying system. Initial processing includes, but is not limited to: Removal of the security envelope from the return envelope; removal of the ballot from the security envelope; manual inspection for damage, for write-in votes, and for incorrect or incomplete marks; duplication of damaged and write-in ballots; and other preparation of ballots for final processing.

(2) "Final processing" means the reading of ballots by an electronic vote tallying system, but does not include tabulation.

(3) "Tabulation" means the production of returns of votes cast regarding candidates or measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

NEW SECTION

WAC 434-240-235 Unsigned affidavit. (1) If the voter neglects to sign the affidavit on the return envelope, the auditor shall notify the voter, either by telephone or by first class mail, of that fact. The auditor may:

(a) Require the voter to appear in person and sign the return envelope not later than the day before the certification of the primary or election; or

(b) Provide the voter with a copy of the return envelope affidavit and require the voter to sign the copy of the affidavit and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election.

(2) The auditor shall advise the voter about the correct procedures for completing the unsigned affidavit and that, in order for the ballot to be counted, the voter must either:

(a) Sign the copy of the return envelope affidavit, if one is provided by the auditor, and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election; or

(b) Appear in person at the auditor's office not later than the day before the certification of the primary or election and complete the affidavit on the return envelope.

A record shall be kept of the date on which the voter was contacted or on which the notice was mailed to the voter, as well as the date on which the voter signed the return envelope or a copy of the return envelope affidavit.

NEW SECTION

WAC 434-240-320 Mail ballot precincts. At any primary or election, general or special, the county auditor may, in any precinct having fewer than two hundred active registered voters at the time of closing of voter registration as provided in chapter 29.07 RCW, conduct the voting in that precinct by mail ballot. For any precinct so designated, the county auditor shall not less than fifteen days prior to the date of the primary or election mail or deliver to each active and inactive registered voter within that precinct a notice that the voting in the precinct will be by mail ballot, an application form for a mail ballot, preaddressed to the issuing officer with return postage prepaid. A mail ballot shall be issued to each voter who returns a properly executed application to the county auditor no later than the day of the primary or election. For all subsequent mail ballot elections in that precinct, the application is valid so long as the voter remains active and qualified to vote. For each subsequent mail ballot election in the precinct, the county auditor shall mail a notice, mail ballot application form, preaddressed to the issuing officer with return postage prepaid to each active and inactive voter in the precinct without a mail ballot application form on file with the county auditor. Unless otherwise provided for by law or administrative rule, mail ballot precinct ballots shall be processed in the same manner as absentee ballots. For all other purposes, including the rotation of ballots and the reporting of returns, mail ballot precinct ballots shall be treated in the same manner as polling place ballots unless otherwise provided for by law or administrative rule.

NEW SECTION

WAC 434-261-005 Definitions. (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot upon breaking the seals and opening the ballot containers from the precincts or, in the case of precinct counting systems, prior to the certification of the election;

(2) "Duplicating ballots" is the process of copying valid votes from ballots that may not be properly counted by the electronic voting equipment to blank ballots of the same type and style, or as directed by the canvassing board;

(3) "Ballot enhancement" is the process of adding or covering marks on a ballot to ensure that the electronic voting equipment will tally the votes on the ballot in the manner intended by the voter, or as directed by the canvassing board.

NEW SECTION

WAC 434-261-070 Manual inspection of ballots. Upon breaking the seals and opening the ballot containers from the precincts, all voted ballots shall be manually inspected for damage, write-in votes, incorrect or incomplete marks, and questions of voter intent. The same manual inspection process shall apply to absentee ballots, mail ballot precinct ballots, and vote-by-mail ballots. This manual inspection shall include examining each voter response position, and is a required part of processing ballots used with all electronic vote tabulating systems.

If the manual inspection process detects any ballots which might not be correctly counted by the tabulating equipment, the county may either:

- (1) Refer the ballots to the county canvassing board;
- (2) Duplicate the ballots if the intent of the voters is clear; or
- (3) Enhance the ballots if the intent of the voters is clear and enhancement can be accomplished without permanently obscuring the original marks of the voters.

NEW SECTION

WAC 434-261-080 Ballot enhancement. Ballots shall only be enhanced when such enhancement will not permanently obscure the original marks of the voters. Ballots shall be enhanced by teams of two or more people working together. When enhancing ballots, the county shall take the following steps to create and maintain an audit trail of the actions taken with respect to those enhanced ballots:

- (1) Each ballot to be enhanced must be assigned a unique control number, with such number being marked on the face of the enhanced ballot;
- (2) A log shall be kept of the ballots enhanced and shall include at least the following information:
 - (a) The control number of each ballot enhanced;
 - (b) The initials of at least two people who participated in enhancing each ballot; and
 - (c) The total number of ballots enhanced;
- (3) Enhanced ballots and ballots to be enhanced shall be sealed into secure storage at all times, except when said ballots are in the process of being enhanced, are being tabulated, or are being inspected by the canvassing board.

NEW SECTION

WAC 434-261-090 Ballot duplication. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots shall be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the actions taken with respect to those duplicated ballots and the corresponding duplicate ballots:

- (1) Each ballot to be duplicated and the corresponding duplicate ballot must be assigned a unique control number, with such number being marked upon the face of each ballot, the purpose being to insure that each duplicate ballot may be tied back to the original ballot;
- (2) A log shall be kept of the ballots duplicated and shall include at least the following information:
 - (a) The control number of each ballot duplicated and the corresponding duplicate ballot;
 - (b) The initials of at least two people who participated in the duplication of each ballot; and
 - (c) The total number of ballots duplicated;
- (3) Duplicated ballots and the corresponding duplicate ballots, as well as ballots requiring duplication shall be sealed into secure storage at all times, except when said ballots are in the process of being duplicated, are being tabulated, or are being inspected by the canvassing board.

**WSR 97-21-067
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

(Fisheries)

[Order 97-210—Filed October 14, 1997, 4:55 p.m., effective October 15, 1997, 12:01 p.m.]

Date of Adoption: October 14, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000I; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to achieve conservation goals and to maintain consistency between state and federal regulations. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 15, 1997, 12:01 p.m.
October 14, 1997

Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-44-05000J Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 p.m. October 15, 1997 until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. Cumulative limit - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. For B-platoon vessels (see section 1.b.) A calendar month shall be the 16th

of the month through the 15th of the following month. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

b. Two-month cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two, fixed calendar months, without a limit on the number of landings or trips. The fixed two-month periods are September-October and November-December, except for vessels that have elected to be endorsed in the "B-platoon" on their trawl federal limited entry permit. Two-month cumulative limits for B-platoon vessels begin on the 16th of the calendar month. These periods are: September 16-November 15, November 16-December 31. No more than sixty percent of any two-month cumulative limit may be taken and retained, possessed or landed per vessel in either calendar month of the fixed, two-month period, except for vessels in the B-platoon during the final period of the calendar year. The cumulative 2-month limit for this shortened period (November 16-December 31) may be taken in any number of trips during the period with no sixty percent per month restriction. For one-month cumulative limits, B-platoon vessels may take the final 2 cumulative limits during the shortened period (November 16-December 31) with no restriction on the amount of the total which can be harvested in either calendar month. The first calendar month for purposes of the 60 percent restriction for B-platoon vessels in other periods shall be defined as the period beginning on the 16th of the month in which the trip limit begins through the 15th of the following month. The second calendar month period shall be defined as beginning on the 16th of the second month in the period through the end of the cumulative period. The two-month cumulative limit includes all fish harvested by a vessel during the two-month period, whether taken in limited entry or open access fisheries. Once a two-month cumulative limit has been achieved, an operator may begin fishing on the next two-month cumulative limit so long as the fish are not landed until after the beginning of the next two-month cumulative period.

c. Daily trip limit - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

d. Groundfish limited entry fishery - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

e. Groundfish open access fishery - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

f. Vessel trip - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

g. Vessel trip limit - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel

upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

h. Dressed length - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

2. **Groundfish limited entry fishery limits.** The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29 (notwithstanding the provisions of WAC 220-44-030):

a. **Pacific ocean perch** - Two-month cumulative limit of 8,000 pounds. No minimum size.

b. **Widow rockfish** - Two-month cumulative limit of 60,000 pounds.

c. **Shortbelly rockfish** - No minimum size. No maximum poundage.

d. **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

e. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.) Cumulative limit of 20,000 pounds, of which no more than 5,000 pounds may be yellowtail rockfish and no more than 10,000 pounds may be canary rockfish.

f. **DTS Complex - (Sablefish, Dover sole and thornyhead rockfish)** - Cumulative limit of 11,000 pounds, of which not more than 1,500 pounds may be Dover sole; not more than 2,000 pounds may be sablefish for trawl vessels and not more than 1,500 pounds may be sablefish for non-trawl vessels; and not more than 7,500 pounds may be thornyhead rockfish. Of the thornyhead rockfish, not more than 1,500 pounds may be shortspine thornyhead.

g. **Sablefish** -

(1) **Trawl vessels** - Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

(2) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight) not to exceed 1,500 pounds in any calendar month. No minimum size. Effective immediately through 12:00 noon, **October 22**, commutative limit of 8,500 pounds (round weight) may be landed by fishers possessing a federal groundfish limited entry permit WITH a sablefish endorsement. Not more than 1,500 pounds (round weight) may be sablefish less than 22 inches (15.5 inches dressed, heads off). During this period, the non-trawl sablefish fishery remains closed for limited entry fishers with no sablefish endorsement. Effective, 12:00 noon **October 22**, daily trip limit of 300 pounds (round weight) not to exceed 1,500 pounds in any calendar month. Once a vessel has landed its 8,500 cumulative, no more sablefish may be landed by that vessel until the daily trip limit resumes at 12:00 noon **October 22**.

h. **Pacific Whiting** - 10,000 pound vessel trip limit. No minimum size.

i. **Lingcod** - Two-month cumulative limit of 30,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 22 inches taken in the trawl fishery only.

3. **Groundfish open access fishery limits.** The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29 (notwithstanding the provisions of WAC 220-44-030). Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit:

(a) **Sablefish** - Daily trip limit of 300 pounds (round weight) not to exceed 1,500 pounds in any calendar month. No minimum size.

(b) **Rockfish** - Vessel trip limit of 10,000 pounds. Cumulative limit of 40,000 pounds.

(c) **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(d) **Lingcod** - cumulative limit of 15,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(e) **Thornyhead rockfish** - Illegal to take, possess, transport or land thornyhead rockfish.

(f) **Setline gear in Area 29.**

It is lawful to use setline gear in Area 29, except that it is unlawful to retain rockfish and lingcod with a cumulative weight greater than thirty percent of all fish on board not to exceed 100 pounds. Maximum one vessel trip per day.

4. It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

5. The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 p.m. October 15, 1997:

WAC 220-44-05000I Coastal bottomfish catch limits.
(97-203)

WSR 97-21-068
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-211—Filed October 14, 1997, 4:58 p.m.]

Date of Adoption: October 14, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-01000T; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation allows the sale of sturgeon to provide the commercial industry with their share of sturgeon allocation. These rules are consistent with the actions of the Columbia River Compact on October 13, 1997. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 14, 1997

Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-33-01000U Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, shad, and sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) **Area:** SMCRA 1A, 1B, 1C, 1D, 1E.

Season: 6:00 p.m. Tuesday October 14 to 6:00 p.m. Thursday October 16, 1997.

Mesh Size: No minimum mesh restriction.

Allowable Sale: Salmon and sturgeon

2) **Sanctuaries:** During the seasons provided for in subsection 1-4 the following sanctuaries as defined in WAC 220-33-005, are closed to fishing:

Grays River	Sandy River	Cowlitz	Lewis-B
Elokomin	Washougal River	Kalama	

3) It is unlawful to gaff sturgeon.

White sturgeon less than 48 inches or greater than 60 inches or green sturgeon less than 48 inches or greater than 66 inches may not be retained for commercial purposes and shall be returned immediately to the water. The length of a sturgeon is the shortest distance between the tip of the nose and the extreme tip of the tail measures while the fish is lying on its side on a flat surface with its tail in a normal position.

Sturgeon must be delivered to wholesale dealer or fish buyers undressed (in the round)

It is unlawful for a wholesale dealer or fish buyer to possess a sturgeon from which the head and/or tail have been removed if the remaining carcass is less than 28 inches in length. A carcass length of less than 28 inches is prima facie evidence that the total length of the whole sturgeon was less than 48 inches.

It is unlawful to sell unprocessed eggs from lower Columbia sturgeon.

4) **Area:** Blind Slough Terminal Fishery

Description: In Blind Slough, from the railroad bridge downstream to markers at the mouth of Blind Slough and for Oregon license holders upstream to markers at the mouth of Gnat Creek.

Season: 6:00 p.m. Sunday to 8:00 a.m. Monday;

6:00 p.m. Monday to 8:00 a.m. Tuesday;

6:00 p.m. Tuesday to 8:00 a.m. Wednesday;

of each week beginning September 28 through October 21, 1997.

Gear: Nets restricted to 50 fathoms in length.

No weight restriction on lead line.

No minimum mesh restriction.

Allowable sale: Salmon and sturgeon

5) **Area:** Tongue Point Terminal Fishery

Description: Tongue Point basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the north-west bank on Lois Island, and a line from a marker on the

southwest end of Lois Island due westerly to a marker on the opposite bank.

Season: 6:00 p.m. Wednesdays to 8:00 a.m. Thursday 6:00 p.m. Thursdays to 8:00 a.m. Fridays of each week beginning October 1 through October 23, 1997.

Gear: Nets restricted to maximum length of 250 fathoms.

Weight on lead line not to exceed 2 pounds on any one fathom.

No minimum mesh restriction.

Special Rule: Fishers participating in the Tongue Point fishery may have on their boats gill nets with lead line in excess of two pounds per fathom.

Allowable sale: Salmon and sturgeon

6) **Area:** Deep River Terminal Fishery

Description: In Deep River, from the town of Deep River to the mouth of Deep River defined by a marker at Miller Point westerly to a marker on the opposite bank. Area from town of Deep River downstream to Highway 4 Bridge open only to Washington license holders.

Season: 6:00 p.m. Sundays to 8:00 a.m. Mondays;

6:00 p.m. Mondays to 8:00 a.m. Tuesdays;

6:00 p.m. Tuesdays to 8:00 a.m. Wednesdays;

of each week beginning September 28 through October 21, 1997.

Gear: Nets restricted to 100 fathoms in length.

No weight restriction on lead line.

No minimum mesh restrictions.

Allowable Sale: Salmon and sturgeon

Additional Rule: For all areas listed above it is unlawful to transport fish outside of the fishing area when the adjacent mainstem Columbia River is closed unless by licensed buyer, or if the catch has been "sampled" by a representative of the Washington Department of Fish and Wildlife. "Sampled" means the catch was examined and a permit was issued.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000T Columbia River gillnet seasons below Bonneville. (97-208)

WSR 97-21-073**EMERGENCY RULES****DEPARTMENT OF ECOLOGY**

[Order 97-29—Filed October 17, 1997, 9:57 a.m.]

Date of Adoption: October 18 [17], 1997.

Purpose: To extend an existing emergency rule (chapter 173-152 WAC, WSR 97-14-017) for processing of certain water right or application for change or transfer of water rights, scheduled to expire October 18, 1997. Proposal for permanent rule making was filed on August 19, 1997, as WSR 97-17-081.

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

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 Superior Court of the state of Washington for Kittitas County ordered the Department of Ecology not to engage in any investigation or processing of pending ground water applications until appropriate rule making is completed. To prevent a state agency from conducting normal business will cause confusion and a situation which is not in the public interest. This rule will allow the Department of Ecology to issue decisions on certain pending applications while permanent rule making is completed.

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 6, 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 6, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 2, 1997
Tom Fitzsimmons
Director

NEW SECTION

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

NEW SECTION

WAC 173-152-020 Definitions. For the purposes of this chapter the following definitions apply:

- (1) "Department" means the department of ecology.
- (2) "Public water system" means a water supply system as defined in RCW 70.119A.020.
- (3) "Applications to change or transfer" means applications made under RCW 90.03.380 or 90.44.100.
- (4) "Competing applications" means all existing applications for water right from the same water source, whether for a new water right or for a change or transfer of an existing water right.

(5) "Same water source" or "source of water" means a surface water body, including a stream, stream system, lake, or reservoir and any spring water or underground water that is part of or tributary to the surface water body, that the department determines to be an independent water body for the purposes of water right administration.

NEW SECTION

WAC 173-152-025 Organization and management of workload. (1) The department may establish regions and maintain regional offices or field offices for the purposes of maximizing the efficiency of its work. Regional offices and their geographic jurisdictions are as follows:

(a) Northwest regional office serving Whatcom, Skagit, Snohomish, San Juan, Island, King, and Kitsap counties;

(b) Southwest regional office serving Pierce, Thurston, Mason, Clallam, Jefferson, Grays Harbor, Pacific, Lewis, Cowlitz, Wahkiakum, Clark, and Skamania counties;

(c) Central regional office serving Okanogan, Chelan, Douglas, Kittitas, Yakima, Benton, and Klickitat counties; and

(d) Eastern regional office serving Ferry, Stevens, Pend Oreille, Grant, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties.

(2) The department will make decisions on new water right applications or applications for change or transfer of an existing water right within a region or within a regional or field office's geographic area by the date the application was received except as provided for in subsection (3) of this section and WAC 173-152-040.

(3) The department may, based on the criteria identified in subsection (4) of this section, conduct an investigation and make decisions on one or more water right applications for the use of water from the same water source. When numerous applications for water from the same water source are being investigated, the final decisions will be made in the order in which the applications were received. Each application will be considered individually under the requirements of RCW 90.03.290.

(4) The department may select a water source for investigation of water right applications based on one or more of the following conditions related to the water source:

(a) The number and age of pending applications, and the quantity of water requested;

(b) The ability to efficiently investigate applications because of the availability of data related to water supply and future needs, streamflow needs for instream values, and hydrogeology of the basin;

(c) Risk of multiple applications impairing senior rights including both diversionary and instream flow rights;

(d) Implementation of water resource plans; and/or

(e) The projected population and economic growth in the area.

NEW SECTION

WAC 173-152-040 Criteria for priority processing of competing applications. (1) An application may be processed prior to competing applications if the application resolves or alleviates a public health or safety emergency caused by a failing public water supply system currently

providing potable water to existing users. The inability of any public water system to accommodate future population growth or other future uses does not constitute a public health or safety emergency. The application must be filed specifically to correct the actual or anticipated cause(s) of the public water system failure. To be considered a failing public water system, the system must meet one or more of the following conditions:

(a) The department, upon notification by and in consultation with the department of health or local health authority, determines a public water system has failed, or is in danger of failing within one year, to meet state board of health standards for the delivery of potable water to existing users in adequate quantity or quality to meet basic human drinking, cooking and sanitation needs.

(b) The current water source has failed or will fail so the public water system is or will become incapable of exercising its existing water right to meet existing needs for drinking, cooking and sanitation purposes after all reasonable conservation efforts have been implemented; or

(c) A change in source is required to meet drinking water quality standards and avoid unreasonable treatment costs, or the state department of health determines that the existing source of supply is unacceptable for human use.

(2) The department may investigate and make decisions on applications for change or transfer to existing water rights prior to competing applications provided one or more of the following criteria are satisfied:

(a) The change or transfer if approved would enhance the quality of the natural environment;

(b) The change or transfer if approved would result in providing public water supplies to meet general needs of the public for regional areas; or

(c) The change or transfer was filed by water right holders participating in the Yakima River adjudication, and a decision is needed expeditiously to ensure that conditional final orders of the Yakima County superior court will be representative of the current water use situation.

(3) An application may be processed prior to competing applications if the department determines:

(a) Immediate action is necessary for preservation of public health or safety; or

(b) The proposed water use is nonconsumptive and if approved would enhance or protect the quality of the natural environment.

NEW SECTION

WAC 173-152-050 Exceptions. Nothing in this chapter precludes the department from processing applications or requests filed for emergent or emergency circumstances under RCW 43.83B.410, 90.03.383(7), or 90.03.390 and/or where the law provides a specific process for evaluation of an application and issuance of a decision.

**WSR 97-21-083
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-213—Filed October 17, 1997, 4:42 p.m.]

Date of Adoption: October 17, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-01000U; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Season is structured to allow commercial fishers time to catch their share of sturgeon allocation. Mesh restriction in later periods will reduce coho and steelhead handle. These rules are consistent with the actions of the Columbia River Compact on October 16, 1997. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 17, 1997
Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-33-01000V Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, shad, and sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) **Area:** SMCRA 1A, 1B, 1C, 1D, 1E.

Season: 6:00 p.m. October 20 to 6:00 p.m. October 24;
6:00 p.m. October 27 to 6:00 p.m. October 31;
6:00 p.m. November 3 to 6:00 p.m. November 6;
6:00 p.m. November 10 to 6:00 p.m. November 13;

6:00 p.m. November 17 to 6:00 p.m. November 20, 1997.

Mesh Size: 9 3/4 inch maximum mesh restriction.

No minimum mesh restriction October 20 to October 24, 1997.

8 inch minimum mesh restriction after October 24, 1997.

Allowable Sale: Salmon and sturgeon

2) Sanctuaries: During the seasons provided for in subsection 1-4 the following sanctuaries as defined in WAC 220-33-005, are closed to fishing:

Grays River Sandy River Cowlitz Lewis-B
Elokomin Washougal River Kalama

3) It is unlawful to gaff sturgeon.

White sturgeon less than 48 inches or greater than 60 inches or green sturgeon less than 48 inches or greater than 66 inches may not be retained for commercial purposes and shall be returned immediately to the water. The length of a sturgeon is the shortest distance between the tip of the nose and the extreme tip of the tail measures while the fish is lying on its side on a flat surface with its tail in a normal position.

Sturgeon must be delivered to wholesale dealer or fish buyers undressed (in the round)

It is unlawful for a wholesale dealer or fish buyer to possess a sturgeon from which the head and/or tail have been removed if the remaining carcass is less than 28 inches in length. A carcass length of less than 28 inches is prima facie evidence that the total length of the whole sturgeon was less than 48 inches.

It is unlawful to sell unprocessed eggs from lower Columbia sturgeon.

4) **Area:** Blind Slough Terminal Fishery

Description: In Blind Slough, from the railroad bridge downstream to markers at the mouth of Blind Slough and for Oregon license holders upstream to makers at the mouth of Gnat Creek.

Season: 6:00 p.m. Sunday to 8:00 a.m. Monday;

6:00 p.m. Monday to 8:00 a.m. Tuesday;

6:00 p.m. Tuesday to 8:00 a.m. Wednesday;

of each week beginning September 28 through October 21, 1997.

Gear: Nets restricted to 50 fathoms in length.

No weight restriction on lead line.

No minimum mesh restriction.

Allowable sale: Salmon and sturgeon

5) **Area:** Tongue Point Terminal Fishery

Description: Tongue Point basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank.

Season: 6:00 p.m. Wednesdays to 8:00 a.m. Thursday;
6:00 p.m. Thursdays to 8:00 a.m. Fridays

of each week beginning October 1 through October 23, 1997.

Gear: Nets restricted to maximum length of 250 fathoms.

Weight on lead line not to exceed 2 pounds on any one fathom.

No minimum mesh restriction.

Special Rule: Fishers participating in the Tongue Point fishery may have on their boats gill nets with lead line in excess of two pounds per fathom.

Allowable sale: Salmon and sturgeon

6) **Area:** Deep River Terminal Fishery

Description: In Deep River, from the town of Deep River to the mouth of Deep River defined by a marker at Miller Point westerly to a marker on the opposite bank. Area from town of Deep River downstream to Highway 4 Bridge open only to Washington license holders.

Season: 6:00 p.m. Sundays to 8:00 a.m. Mondays;

6:00 p.m. Mondays to 8:00 a.m. Tuesdays;

6:00 p.m. Tuesdays to 8:00 a.m. Wednesdays;

of each week beginning September 28 through October 21, 1997.

Gear: Nets restricted to 100 fathoms in length.

No weight restriction on lead line.

No minimum mesh restrictions.

Allowable Sale: Salmon and sturgeon

Additional Rule: For all areas listed above it is unlawful to transport fish outside of the fishing area when the adjacent mainstem Columbia River is closed unless by licensed buyer, or if the catch has been "sampled" by a representative of the Washington Department of Fish and Wildlife. "Sampled" means the catch was examined and a permit was issued.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000U

Columbia River gillnet seasons below Bonneville. (97-211)

**WSR 97-21-084
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-212—Filed October 17, 1997, 4:44 p.m., effective October 19, 1997, 12:01 a.m.]

Date of Adoption: October 17, 1997.

Purpose: Commercial fishing regulations.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The scheduled purse seine and gillnet chum-directed fishery in Areas 7 and 7A are

EMERGENCY

cancelled relative to Canadian Department of Fisheries and Oceans update of 2.5 million chum entering Johnstone Strait. This fishery is being managed according to the guidelines of the expired Pacific Salmon Treaty Chum Annex, which does not provide for directed fisheries when chum abundance is less than 3.0 million to ensure adequate spawning escape-ments to the Fraser River. Reef net opening in Areas 7 and 7A is considered a minor fishery relative to chum salmon catch and provides opportunity to harvest the nontreaty allocation of coho and chum salmon relative to agreements reached during the Pacific Marine Fisheries Council/North of Falcon preseason planning process, per preseason schedule. Requirement for reef net release of chinook salmon necessary due to higher than anticipated chinook incidental harvests in this area and to protect weak chinook stocks.

Openings in Areas 6D, 7B, 8D and 9A provide opportunity to harvest the nontreaty allocation of coho salmon returning to the Dungeness River, the Nooksack-Samish region of origin, the Tulalip hatchery, and Hood Canal regions of origin, per preseason adopted schedule.

Openings in Areas 10, 11, 12 and 12B provide opportunity to harvest the nontreaty allocation of coho salmon returning to the Dungeness River, the Nooksack-Samish region of origin, the Tulalip hatchery, and Hood Canal regions of origin, per preseason adopted schedule. The Port Madison restriction is necessary to reduce impacts on local chum stocks.

These openings and restrictions are consistent with agreements reached during the Pacific Fisheries Management Council - North of Falcon preseason process, and reflect the schedule adopted by the Washington Fish and Wildlife Commission.

All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Atlantic salmon have recently escaped from commercial net pen operations in the Puget Sound region, and removal of this nonnative species is required to reduce any possibility of adverse impacts on indigenous fishes.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have moved from the fishing grounds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 19, 1997, 12:01 a.m.

October 17, 1997

Bern Shanks

Director

NEW SECTION

WAC 220-47-818 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday October 19, 1997 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREA 6D** - Skiff gillnets using 5-inch minimum mesh may fish from 7:00 a.m. to 7:00 p.m. daily, Monday October 20, 1997 through Friday October 24, 1997. Fishers may not retain chinook or pink salmon taken in Area 6D.
- * **AREAS 7 AND 7A** - Reef nets may fish from 7:00 a.m. to 7:00 p.m. daily, Monday October 20, 1997 through Friday October 24, 1997. Reef nets may not retain chinook salmon.
- * **AREA 7B** - Gillnets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish until 4:00 p.m. Saturday November 1, 1997.
- * **AREA 8D** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 7:00 p.m. daily, Monday October 20, 1997 through Thursday October 23, 1997. Gillnets using 5-inch minimum mesh may fish from 5:00 p.m. to 8:00 a.m. nightly, beginning Monday October 20, 1997, Tuesday October 21, 1997, Wednesday October 22, 1997 and Thursday October 23, 1997.
- * **AREA 9A** - Gillnets using 5-inch minimum mesh may fish until 4:00 p.m. Saturday November 1, 1997.
- * **AREAS 10 AND 11** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 6:00 p.m. Monday October 20, 1997. Gillnets using 6 1/4-inch minimum mesh may fish from 5:00 p.m. Monday October 20, 1997 to 8:00 a.m. Tuesday October 21, 1997. In addition to the exclusion zones described in WAC 220-47-307, Area 10 is closed in that portion of Port Madison west of a line projected 178 degrees true from the end of Indianola dock to the landfall on the south shore of Port Madison.
- * **AREAS 12 AND 12B** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 6:00 p.m. daily Monday and Tuesday October 20 and 21, 1997. Gillnets using 6 1/4-inch minimum mesh may fish from 5:00 p.m. to 8:00 a.m. nightly, beginning Monday October 20, 1997, and Tuesday October 21, 1997.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 7C, 7D, 7E, 8, 8A, 9, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.
- * It is unlawful to retain chinook salmon taken with purse seine gear in Areas 7B, 12 or 12B.
- * Atlantic salmon may be retained during openings listed in this section.

WSR 97-21-008
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES OF SPOKANE
 [Memorandum—September 29, 1997]

A special board meeting (board retreat) is scheduled for the board of trustees of Community Colleges of Spokane (Washington State Community College District #17) on Friday, November 14, 1997, from 9:30 a.m. to 3:30 p.m. at Riverpoint Phase 1 Classroom Building, 668 North Riverpoint Boulevard, Spokane, WA 99202.

WSR 97-21-009
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD
 [Memorandum—September 26, 1997]

MEETING NOTICE FOR OCTOBER 1997
 TRANSPORTATION IMPROVEMENT BOARD
 OLYMPIA, WASHINGTON 98504-0901

Increase Committee, 2:00 p.m. - 3:30 p.m., Thursday, October 16, 1997, at the Holiday Inn Express, 1735 East Kittleson, Moses Lake.

Sidewalk Committee, 4:00 p.m. - 5:00 p.m., Thursday, October 16, 1997, at the Holiday Inn Express.

Work Session, 7:00 p.m., Thursday, October 16, 1997, at the Holiday Inn Express.

Board Meeting, 9:00 a.m., Friday, October 17, 1997, at the Holiday Inn Express.

Special Needs: For special accommodations or to request an auxiliary aid, please contact the Transportation Improvement Board office at (360) 705-7300 by October 10, 1997.

The next scheduled meeting is November 21, 1997, in Redmond. A notice with further detail of the November meeting will be mailed October 31, 1997.

WSR 97-21-010
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—October 1, 1997]

This is to notify you that the Eastern Washington University board of trustees meeting schedule for 1998 has been approved at the September 26, 1997, board of trustees meeting. The schedule is as follows:

Friday, January 23, 9:00 a.m., Pence Union Building, Banquet Room 263-67

Friday, February 27, 9:00 a.m., Pence Union Building, Banquet Room 263-67

Friday, April 3, 9:00 a.m., Spokane Center, Second Floor Mall

Friday, May 22, 9:00 a.m., Pence Union Building, Banquet Room 263-67

Friday, June 26, 9:00 a.m., Pence Union Building, Banquet Room 263-67

Friday, July 24, 9:00 a.m., Pence Union Building, Banquet Room 263-67

Friday, September 25, 9:00 a.m., Pence Union Building, Banquet Room 263-67

Friday, October 23, 9:00 a.m., Spokane Center, Second Floor Mall

Friday, December 4, 9:00 a.m., Pence Union Building, Banquet Room 263-67

If there are any questions concerning this schedule, please contact Angie O'Neill in the President's Office, at extension (509) 359-6598.

WSR 97-21-011
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
 [Memorandum—October 2, 1997]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, November 13th, beginning at 8:30 a.m., and Friday, November 14th in Room 172 of the Natural Resources Building in Olympia, Washington.

This meeting is a funding recommendation session for projects for the nonhighway offroad vehicle (NOVA), boating facilities and firearms range and recreation (FARR) programs. Other issues the IAC will consider include riparian habitat and youth athletic facilities account updates and redistribution of returned WWRP funds.

If you plan to participate or have materials for committee review, please submit information to IAC no later than October 23, 1997. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by October 23 at (360) 902-3000 or TDD (360) 902-1996.

WSR 97-21-015
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
 [Memorandum—October 3, 1997]

The board's December 12th meeting date has been changed to December 8, 1997, at Seattle Vocational Technical Institute.

If you need additional information, please call (360) 753-5677.

WSR 97-21-016
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—October 1, 1997]

EDMONDS COMMUNITY COLLEGE
 BOARD OF TRUSTEES
 NOTICE OF SPECIAL MEETINGS
 TO MEDIA/OTHER

- October 3, 1997* Trustees Association of Community and Technical Colleges Fall Conference: Holiday Inn Select, One South Grady Way, Renton, WA, 8:30 a.m.
- October 13, 1997* Edmonds Community College hosts Congressman Rick White: EdCC, Triton Union Building, Room 202, 20200 68th Avenue West, Lynnwood, WA, 12:00 noon.
- October 14, 1997 Edmonds Community College Board of Trustees Regular Session: EdCC, Snohomish Hall, Room 304B, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.
- October 15, 1997* Association of Community College Trustees Convention '97: Wyndham Anatole Hotel, 2201 Stemmons Freeway, Dallas, Texas, 8:00 a.m.
- October 16, 1997* Association of Community College Trustees Convention '97: Wyndham Anatole Hotel, 2201 Stemmons Freeway, Dallas, Texas, 7:00 a.m.
- October 17, 1997* Association of Community College Trustees Convention '97: Wyndham Anatole Hotel, 2201 Stemmons Freeway, Dallas, Texas, 7:00 a.m.
- October 18, 1997* Association of Community College Trustees Convention '97: Wyndham Anatole Hotel, 2201 Stemmons Freeway, Dallas, Texas, 7:30 a.m.

* These events are being scheduled as special meetings, which are study sessions where no action will be taken.

WSR 97-21-017
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—October 2, 1997]

EDMONDS COMMUNITY COLLEGE
 BOARD OF TRUSTEES
 NOTICE OF SPECIAL MEETINGS
 TO MEDIA/OTHER
 Revised

- October 3, 1997* Trustees Association of Community and Technical Colleges Fall Conference: Holiday Inn Select, One South Grady Way, Renton, WA, 9:00 a.m.

- October 13, 1997* Edmonds Community College hosts Congressman Rick White: EdCC, Triton Union Building, Room 202, 20200 68th Avenue West, Lynnwood, WA, 12:00 noon.
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- October 17, 1997* Association of Community College Trustees Convention '97: Wyndham Anatole Hotel, 2201 Stemmons Freeway, Dallas, Texas, 7:00 a.m.
- October 18, 1997* Association of Community College Trustees Convention '97: Wyndham Anatole Hotel, 2201 Stemmons Freeway, Dallas, Texas, 7:30 a.m.

* These events are being scheduled as special meetings, which are study sessions where no action will be taken.

WSR 97-21-018
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—October 6, 1997]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, October 16, 1997, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 extension 334 for information.

WSR 97-21-019
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 (Library Commission)
 [Memorandum—October 6, 1997]

The Washington State Library Commission will hold the following meetings as listed below:

WSL COMMISSION MEETING VIA TELEPHONE CONFERENCE CALL

DATE: Thursday, October 9, 1997
 TIME: 8:00 a.m. to 8:45 a.m.
 LOCATION: Via telephone conference call

WSL COMMISSION WORKSHOP

DATE: Friday, November 7, 1997

MISC.

TIME: 9:00 a.m. to noon
 LOCATION: Washington State Library
 Joel M. Pritchard Library
 Olympia, Washington

For additional information please contact Cathy M. Stussy at (360) 753-2914 or FAX (360) 586-7575 or Internet cstussy@statelib.wa.gov.

WSR 97-21-024
RULES REVIEW PLAN
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
PUBLIC WORKS BOARD
COMMUNITY ECONOMIC REVITALIZATION
BOARD

[Filed October 8, 1997, 8:30 a.m.]

Reviser's note: The following Rules Review Plan has been electronically generated directly from the agency and has not been through the usual editing and proofing processes.

The Department of Community, Trade and Economic Development (CTED) herewith submits its plan for implementation of Governor Locke's executive order on regulatory improvement. This plan contains two parts: first, a description of CTED's plan for review of its rules, and second, as an attachment to this memorandum, a schedule of CTED's review of its rules.

Plan for Review of Rules

CTED has rules in titles 25, 130, 194, and 365. None of these rules has been the subject of a petition filed under RCW 34.05.330 nor the source of complaints, concerns, or other difficulties relating to matters other than the specific mandates of the statute on which the rule is based. We will therefore undertake rules review according to internal priorities and needs.

CTED will repeal five obsolete chapters immediately—25-18, 25-36, 194-10, 365-06, and 365-60—by starting the expedited repeal process for each in September 1997. The balance of the rules will be consolidated into one title, which will enable the public to more readily find all rules pertaining to the agency.

Each of the remaining rules will be examined according to the seven criteria enumerated in Executive Order 97-02. This list of criteria will be included in letters and emails sent to stakeholders to notify them of upcoming rules reviews.

CTED will ensure stakeholder, client, customer, and public participation through mailings and emailings. Also, some of our programs have steering committees which will be invited to participate in rules reviews, and we will examine the feasibility of forming other steering committees expressly to review rules.

On-going review of rules after the initial four-year review will be accomplished by working with stakeholders, clients, customers, and steering committees to ensure that rules still meet the seven criteria.

Community, Trade and Economic Development
Administrative Codes

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9/2/97

Agency	WAC Chapters or Document	Section Numbers or other unique identifier	Chapter Title	Document type	Statutory Authority	Estimated review completion date	Business report required
Community, Trade and Economic Development	130-10	130-10-010 to 130-10-100	Public Records Disclosure	R	RCW 42.17.250 to .348; 34.05.220 to .230	07/99	N
Community, Trade and Economic Development	130-14	130-14-010 to 130-14-070	Child Care Facility Fund Rules	R	RCW 42.31.504; 43.330.040(2)(g)	12/98	N
Community, Trade and Economic Development	130-16	130-16-010 to 130-16-090	Industrial Development Revenue Bonds Financing Eligibility	R	RCW 39.84.090; 43.330.040(2)(g)	07/99	N
Community, Trade and Economic Development	365-04	365-04-010 to 365-04-050	General Procedures	R	RCW 42.17.250	07/99	N
Community, Trade and Economic Development	365-06	365-06-010 to 365-06-020	Public Records	R	RCW 42.17.250 to .348	07/99	N
Community, Trade and Economic Development	365-08	365-08-010	Uniform Procedural Rules	R	RCW 42.17.250	07/99	N
Community, Trade and Economic Development	365-40	365-40-010 to 365-40-071	State Funding of Local Head Start Programs	R	RCW 43.330.040(2)(g)	07/01	N
Community, Trade and Economic Development	365-60	365-60-010 to 365-60-020	State Administration of the Local Section 8 Housing Assistance Payments Program	R	RCW 43.330.040(2)(g)	07/98	N
Community, Trade and Economic Development	365-70	365-70-010 to 365-70-070	Allocating Single Family Housing Bonds Among Local Housing Agencies	R	RCW 35.82.130; 35.82.070(10)	07/99	N
Community, Trade and Economic Development	365-80	365-80-100 to 365-80-200	Fire Protection Contracts for State Facilities With Cities and Towns	R	RCW 35.21; 43.330.040(2)(g)	07/98	N
Community, Trade and Economic Development	365-90	365-90-010 to 365-90-090	Supplement Law Enforcement for Border Areas	R	RCW 43.63A.190; 43.330.040(2)(g)	07/01	N

Agency	WAC Chapter or Document	Section Number or other unique identifier	Chapter Title	Document type	Statutory Authority	Estimated review completion date	Business report required
Community, Trade and Economic Development	365-100	365-100-010 to 365-100-040	Winter Utility Moratorium Program	R	RCW 43.330.040(2)(g)	07/98	N
Community, Trade and Economic Development	365-110	365-110-010 to 365-110-035	State Building Code Council -- Building Permit Surcharges and Fees	R	RCW 19.27.085	12/98	N
Community, Trade and Economic Development	365-120	365-120-010 to 365-120-060	State Funding of Local Emergency Shelter Programs	R	RCW 43.63A; 43.330.040(2)(g)	07/98	N
Community, Trade and Economic Development	365-130	365-130-010 to 365-130-040	Bond Users Clearinghouse	R	RCW 43.63A.155; 39.44.230	07/99	N
Community, Trade and Economic Development	365-135	365-135-010 to 365-135-070	Bond Cap Allocation	R	RCW 39.86; 43.330.040(g)	07/99	N
Community, Trade and Economic Development	365-140	365-140-010 to 365-140-060	State Funding of Local Emergency Food Programs	R	RCW 43.63A; 43.330.040(2)(g); 43.330.130	07/99	N
Community, Trade and Economic Development	365-150	365-150-010 to 365-150-090	Washington State Development Loan Fund	R	RCW 43.63A.075; 43.330.040(2)(g)	07/99	N
Community, Trade and Economic Development	365-170	365-170-010 to 365-170-100	State Funding of Early Childhood Education and Assistance Programs	R	RCW 43.63A; 43.330.040(2)(g)	07/99	N
Community, Trade and Economic Development	365-180	365-180-010 to 365-180-090	Energy Matchmakers	R	RCW 70.164; 43.330.040(2)(g)	07/99	N
Community, Trade and Economic Development	365-190	365-190-010 to 365-190-080	Minimum Guidelines to Classify Agriculture, Forest, Mineral Lands and Critical Areas	R	RCW 36.70A.050; 43.330.040(2)(g)	06/01	N
Community, Trade and Economic Development	365-195	365-195-010 to 365-195-865	Growth Management Act - Procedural Criteria for Adopting Comprehensive Plans and	R	RCW 36.70A.190(4)(b)	07/98	N

			Development Regulations				
Community, Trade and Economic Development	365-200	365-200-010 to 365-200-070	The Affordable Housing Program	R	RCW 43.185.100	12/97	Y

Agency	WAC Chapter or Document	Section Number or other unique identifier	Chapter Title	Document Type	Statutory Authority	Estimated review completion date	Business report required
Community, Trade and Economic Development	365-210	365-210-010 to 365-210-080	Manufactured Housing Installer Training and Certification Program	R	RCW 43.63B.800	07/99	N
Community, Trade and Economic Development	365-300	365-300-010 to 365-300-090	Enhanced 911 Funding	R	RCW 38.52.540	12/98	N
Office of Archaeology and Historic Preservation	25-12	25-12-010 to 25-12-070	Advisory Council on Historic Preservation	R	RCW 42.17.250 to .348	07/99	N
Office of Archaeology and Historic Preservation	25-18	25-18-010 to 25-18-130	Public Records		RCW 42.17.250 to .348	07/98	N
Office of Archaeology and Historic Preservation	25-30	25-30-010 to 25-30-050	Washington State Heritage Council	R	RCW 43.330.040(2)(g)	12/97	N
Office of Archaeology and Historic Preservation	25-36	25-36-010 to 25-36-130	Public Records	R	RCW 42.17.250 to 42.17.348	07/98	N
Office of Archaeology and Historic Preservation	25-42	25-42-010 to 25-42-130	State Environmental Policy Act Rules	R	RCW 27.34.220; 43.21C.120	07/99	N
Office of Archaeology and Historic Preservation	25-46	25-46-010 to 25-46-180	Registration of Historic Archaeological Resources on State-Owned Aquatic Lands	R	RCW 27.53.100; 27.53.140	07/99	N
Office of Archaeology and Historic Preservation	25-48	25-48-010 to 25-48-140	Archaeological Excavation and Removal Permit	R	RCW 27.53.140	07/99	N
Energy Office	194-10	194-10-010 to 194-10-140	Public Disclosure Act Rules	R	RCW 42.17.250 to .348	07/98	N
Energy Office	194-12	194-12-010 to 194-12-020	Washington State Environmental Policy Act Rules	R	RCW 43.21C.120; 43.21F.045(k)	12/98	N
Energy Office	194-14	194-14-010 to	Emergency Petroleum	R	RCW 43.21C.045(k)	12/99	Y

		194-14-240	Allocation Act Rules				
Energy Office	194-18	194-18-010 to 194-18-030	Receipt of Funds	R	RCW 43.21F.060(2); 43.21C.045(k)	07/98	N
Energy Office	194-20	194-20-010 to 194-20-080	Energy Efficiency Services Account	R	RCW 43.21C.045(k)	07/98	N

Agency	WAC Chapter or Document	Section Number or Other Unique Identifier	Chapter Title	Document Type	Statutory Authority	Estimated Review Completion Date	Briefing Report Required
Energy Office	194-22	194-22-010 to 194-22-190	Washington State Curtallment Plan for Electric Energy	R	RCW 43.21C.045(k)	12/99	Y

[7]

Miscellaneous

MISC.

Regulatory Improvement Implementation Plan (EO 97-02)
The Washington State Public Works Board

In accordance with Executive Order 97-02, the Public Works Board submits its plan for implementation of rule (Washington Administrative Code) review.

Public participation and rule review schedule

The Board will provide for advance public input and make a determination of which, if any rules shall be modified at a single public meeting. The plan is as follows:

In October 1997, the Board will establish its meeting schedule for calendar years 1988 and 1989. A critical date, the date of the January 1988 meeting will be established at that time.

Following the establishment of the January 1988 meeting date, a notice will be published with the Code Reviser for inclusion in the Washington State Register of the date the Board will review all of its rules in their entirety. This will involve Chapters 399-10, 399-20, 399-30, and 399-40, WAC.

Copies of the notice will be made available to public and private sector interests doing business with the Board as well as any party having previously expressed the desire to receive notice of rule-related activity.

Packets of the existing Board rules will be made available to the public upon request with a form designed to facilitate suggestions to modify existing rule

sections. Written public input will be collated and provided to the Board prior to the January 1988 meeting. Upon review of staff input, written comments and any verbal comments received at the January 1988 meeting, the Board will direct staff to begin appropriate rule modification activities.

Review criteria in EO 97-02

The Board, through its Rules Coordinator, has determined that the public would be best served if ALL rules were examined through the process.

Process for on-going review

The Board will be occupied with major rule development and adoption processes in the next three years. At the conclusion of this major effort, a review of the existing rules will be done once again.

Schedule for rule review over next four years

As noted above, the Board plans to review all of its existing rules in January 1988.

**Community Economic Revitalization Board (CERB)
Rule Review Plan**

In compliance with Executive Order 97-02 (Regulatory Improvement), the plan for review of CERB rules (Chapter 133-10 WAC) follows.

Last Update of Chapter 133-10 WAC: 12/5/95

Review Plan over the next four years:

WAC Chapters or Estimated Document review required	Section Business report	Chapter numbers	Chapter title	Document type	Statutory authority	completion date
133-10 WAC March 2001	N	133-10	General provisions	R	43.160 RCW	
		133-20	Public records			
		133-40	Public facility loans and grants			
		133-50	Compliance with State Environmental Policy Act			

• The rule review process will follow the current Rule Making Order (34.05.360 RCW) through the Office of the Code Revisor.

The process ensures public participation in the review process. The board adopts rules in a public meeting forum.

• CERB rules and interpretive policy documents will be reviewed against the criteria established in EO 97-02 to ensure compliance.

• CERB rules will be reviewed on a four-year cycle after the initial four-year review.

• See review plan above for the next four year period.

MISC.

Agency Name	WAC Chapters	Section Numbers	Section Title	Document Type	Statutory Authority	Estimated Review Completion Date	Business Report Required?
Public Works Board	399-10	010	Organization and operation of the public works board	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-10	020	Board meeting	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-10	030	Communications with the board	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-20	010	Purpose	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-20	020	Definitions	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-20	030	Public records available	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-20	040	Public records officer	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-20	050	Records index	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-20	060	Office hours	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-20	070	Requests for public records	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-20	080	Copying	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-20	090	Exemptions	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-20	100	Review of denials of public records requests	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-20	110	Protection of public records	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-20	120	Adoption of form	R	RCW 43.155.040(4)	January 1988	No

MISC.

Public Works Board	399-30	010	Purpose	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-30	020	Definitions	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-30	030	Loan and financing guarantee applications	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-30	040	Application evaluation procedure and board deliberations	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-30	042	Application evaluation procedure and board deliberations – Capital planning support	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-30	045	Emergency loan program	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-30	050	Recommendations to the legislature	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-30	060	Loan and financing guarantee contracts	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-30	065	Emergency loan and financing guarantee contracts	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-40	010	Purpose	R	RCW 43.155.040(4)	January 1988	No
Public Works Board	399-40	020	Statement	R	RCW 43.155.040(4)	January 1988	No

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.

WSR 97-21-025
RULES REVIEW PLAN
ENERGY FACILITY SITE
EVALUATION COUNCIL

[Filed October 8, 1997, 8:31 a.m.]

Reviser's note: The following Rules Review Plan has been electronically generated directly from the agency and has not been through the usual editing and proofing processes.

Energy Facility Site Evaluation Council
Plan for Rules Review Under Executive Order 97-02

Introduction

The Energy Facility Site Evaluation Council (EFSEC) is established in chapter 80.50 RCW to act on applications for the construction and operation of major non-hydroelectric energy facilities and to monitor and enforce compliance of certified energy facilities.

Through a three-phase statutory review process, the Council decides whether to recommend approval or rejection of applications to the governor. EFSEC was created to reduce duplication in the certification process, which would arise if an applicant were required to obtain multiple permits from multiple agencies and local jurisdictions. The Council must consider any state laws, local ordinances, rules, or regulations which would be applicable in the absence of EFSEC's "one-stop-siting" procedure.

The Council also has the authority to issue air and water discharge permits (Prevent Significant Deterioration (PSD) and National Pollution Discharge Elimination System (NPDES) permits respectively), using federal Clean Water Act and Clean Air Act criteria, as modified by Washington State Department of Ecology regulations.

The Council has nineteen chapters in its WAC. Of these, nine are specifically procedural (elaborating the Council's administrative process for its three phase review); three incorporate state and federal standards for air, water, and dangerous wastes; one contains the Council's required SEPA rules; and the remaining six describe items primarily related to internal agency management. The Council has very few significant legislative rules.

Schedule

EFSEC's schedule for review of its rules is contained in **Attachment A**. The Council has no policy or interpretive statements and uses no business forms. Review is not required in these areas.

New applications received by the Council may require changes in this tentative schedule.

Generally, the review is scheduled in four phases to accommodate the requirements of Council business and staff resources as follows:

Completion Date	Comments
12/97	The Council will use the expedited amendment process to update those rules which require administrative changes only.
12/98	The Council will complete its review of those rules from its list which will not affect the processing of new applications.
06/99	The Council will complete its review of remaining rules from the list which do not involve the Council's SEPA process.
	PROVIDED THAT , if feasible, the Council will not review rules that pertain to the processing of applications for certification while it is engaged in an adjudication. (The 06/99 deadline was set to place the rule review outside the Council's current adjudication. It may be delayed, depending on how the current adjudication proceeds.)
12/99	The Council will complete review of suggested rules which involve the interrelationships among the Council's SEPA process, the Council's adjudicative proceedings, and the application process. The Council will coordinate closely with the Department of Ecology during the review.
Ongoing	The Council will annually review its water, air, and dangerous waste rules for consistency with federal and state law, and state regulation, specifically NPDES, PSD, dangerous waste standards, and changes in state Growth Management or SEPA legislation. The Council will regularly invite constituencies to suggest rules for review.

Public Participation

The Council strongly encourages public participation at every stage in the review process.

Development of the review plan. From the beginning, the Council has sought to involve its stakeholders and the public in the development of the plan for rules review.

- *Mailing list.* The Council has developed a mailing list of persons interested in the Council's rule review.

Notice was sent to the Council's Minutes & Agendas list² about the pending rules review, and people were invited to be placed on a Rules Review mailing list to receive periodic updates and notices of opportunities for participation. The same notice was posted on the Council's Internet site to reach members of the general public. Interested parties may be added to the list at any time.

The Council will continue to use this list during its review process.

- *Council communication with interested parties.* Through timely updates of its Internet site and mailings to its list of interested parties, the Council continues to provide information about the progress of the review and notice of future opportunities for involvement.

- *Opportunities for comment.* The Council continues to provide a range of opportunities for public comment. Parties have been encouraged to contact the Council's review coordinator by mail, phone, or e-mail. The e-mail address of the review coordinator is linked to the Council's Rules Review page on its Internet site.

The Council's regularly scheduled monthly meetings in July and August were used to provide opportunities for oral comment on the draft list of rules to review, the draft schedule for the completion of the review of each rule, and methods for determining whether the rule meets the criteria in the Executive Order.

Throughout the review process, comments received will be made available for public inspection, both on the Internet and at the Council's office.

Rules Review. As the review proceeds, the Council will continue to use its mailing list, Internet site, and regularly scheduled monthly meetings to communicate with parties and inform them of opportunities for comment. The Council will tie its review of each rule to the APA procedures for rulemaking. The review of each rule will begin with the filing of a statement of intent (CR 101) to solicit public participation in the review of each rule. If, through this process, a rule is found to merit amendment or repeal, the Council will proceed with APA procedures, which ensure that public input is seriously considered. The Council may create focus groups of key stakeholders to assist it in amending certain rules.

Review Methodology

The Council's staff, who has considerable experience with the implementation of Council's rules, will conduct the review, with public participation encouraged at each stage of the process.

MISC.

As indicated on the attached schedule, portions of the review will be organized by specific chapters of the WAC and other portions by groups of interrelated sections from various chapters. At the beginning of the review of a particular chapter or related sections, the Council will issue a CR 101 and receive initial comments. Assisted by these comments, the staff will review the chapter or related sections using the criteria in the Executive Order.

The Council does not anticipate using a quantitative process to determine whether a particular rule meets the criteria in the order. Rather, the staff will encourage open discussion of all points of view and will consider these perspectives in light of its past experiences implementing the rules. The results of the staff review will be made available for public comment. The Council will consider the staff review and the comments received to determine whether amendment or repeal is advised.

Clarity is one of the criteria in the Executive Order. Council staff members will receive training in clear rule writing before existing rules are amended or new rules are adopted.

Resources for Legislative Changes

The Council anticipates that its rules review, including any amendments to significant legislative rules, can be accomplished with its present staff, using its regularly scheduled monthly meetings to receive public comment. It does not anticipate that resources beyond its present staffing and budget will be required.

Exceptions

The Council identified a draft list of the rules to be reviewed. Per the Executive Order, rules were chosen either because (i) they have a significant effect on business, labor, consumers, and the environment, or (ii) they have raised concerns in recent Council proceedings. Through mailings and posting on the Internet, the Council encouraged broad participation in the development of the list. Two of the Council's regularly scheduled monthly meetings were designated to receive suggestions on the list. All the rules that meet the order's criteria will be reviewed; therefore, the Council does not require any exceptions to the regulatory review requirements.

Process for Ongoing Review

Expedited amendment. During the first quarter of the year, staff will identify rules which require administrative updates, and, as appropriate, the Council will proceed with the expedited amendment process.

Water, Air, and Dangerous Wastes. After each legislative session, staff will identify whether Council rules require amendment to remain consistent with federal and state legislation and regulation. If inconsistencies are found, the Council will proceed with the expedited amendment process.

GMA, SEPA, chapter 80.50 RCW, and other relevant state legislation. After each legislative session, staff will identify whether Council rules require amendment to remain consistent with these statutes. If inconsistencies are found, the Council will proceed with the expedited amendment process or rule making as appropriate.

Council, stakeholder or public concerns. The Council's rules coordinator will note any concerns about the Council's rules, expressed directly or indirectly in any Council forum. These concerns will be documented as to the nature of the concern, the relevant rules, and the party expressing concern and kept on file. During the first quarter of the year, staff will report these concerns to the Council, and the Council will decide whether to conduct a rules review under the guidelines of this plan.

- 1 The Council developed a list of rules which either had a significant effect on business, labor, consumers, and the environment, or had raised concerns in recent Council proceedings.
- 2 The Council's Minutes & Agendas list is the Council's most comprehensive mailing list. It includes approximately one hundred individuals and entities, including all key stakeholders, members of state agencies, local governments, businesses (including recent project proponents), labor, and environmental groups who have expressed interest in being apprised of Council activities. Annually, people on the Minutes & Agendas list will be given the opportunity to be added to the rules review mailing list.

Agency	WAC Chapters or Document	Section numbers or other unique identifier	Chapter title	Document type I=interpretive R=rule O=other	Statutory authority	Estimated review completion date	Business report required
Energy Facility Site Evaluation Council	463-42	463-42-655 to 463-42-690	Procedure-Guidelines-Applications for Site Certification	R	RCW 80.50.040(1)	12/98	N
Energy Facility Site Evaluation Council	463-54	463-54-080	Certification Compliance Determination and Enforcement	R	RCW 80.50.040(1)	12/98	N
Energy Facility Site Evaluation Council	463-36	463-36-100	Procedure-amending or Terminating a Site Certification Agreement	R	RCW 80.50.040(1)	12/98	N
Energy Facility Site Evaluation Council	463-54	463-54-070	Certification Compliance Determination and Enforcement	R	RCW 80.50.040(1)	12/98	N
Energy Facility Site Evaluation Council	463-30	463-30-250 463-30-310	Procedure-: Adjudicative Proceedings	R	RCW 80.50.040(1) RCW 34.05.250	06/99	N
Energy Facility Site Evaluation Council	463-14	463-14-050 463-14-080	Policy and Interpretation	R	RCW 80.50.040(1) RCW 80.50.120	06/99	N
Energy Facility Site Evaluation Council	463-30	463-30-400	Procedure-Adjudicative Proceedings	R	RCW 80.50.040(1) RCW 34.05.250	06/99	N

Schedule for Rule Review

Attachment A

Agency	WAC Chapters or Document	Section numbers or other unique identifier	Chapter title	Document type I=interpretive R=rule O=other	Statutory authority	Estimated review completion date	Business Report Required
Energy Facility Site Evaluation Council	463-42	463-42-010 to 463-42-690	Procedure-Guidelines-Applications for Site Certification	R	RCW 80.50.040(1)	12/99	N
Energy Facility Site Evaluation Council	463-47	463-47-010 to 463-47-190	SEPA Rules	R	RCW 80.50.040(1) RCW 80.50.180 RCW 43.21C.120	12/99	N
Energy Facility Site Evaluation Council	463-14	463-14-080	Policy and Interpretation	R	RCW 80.50.040(1)	12/99	N
Energy Facility Site Evaluation Council	463-30	463-30-010 to 463-30-420	Procedure--Adjudicative Proceedings	R	RCW 80.50.040(1)	12/99	N

WSR 97-21-026
RULES REVIEW PLAN
BUILDING CODE COUNCIL
[Filed October 8, 1997, 8:32 a.m.]

Reviser's note: The following Rules Review Plan has been electronically generated directly from the agency and has not been through the usual editing and proofing processes.

I will serve as the State Building Code Council's (Council) contact for regulatory review with the Governor's office and the Office of Financial Management. In order to show compliance with Executive Order 97-02, Regulatory Improvement, I have summarized the status of the Council's rulemaking process. I have included a schedule for review of rules currently open for public input and a schedule for review of Council opinions, bylaws and procedures.

The Council consists of 15 Governor-appointed members. Council members are from recognized organizations representing entities or interests impacted by building codes. In developing the plan for review of rules, bylaws and procedures, and in the on-going review of the state building code, Council members will represent their constituent organizations. In addition, interest groups will be notified through targeted mailing. All Council meetings are open and public meetings.

For the current state building code cycle, the Council will publish notice of public hearing in WSR 97-16. Included in the notice is the list of criteria from Executive Order 97-02, as given below. The adoption of the amended rules is the culmination of three years of review.

SCHEDULE FOR REVIEW OF RULES: State Building Code

WAC Chapters	Section Numbers	Chapter Title	Document Type	Statutory Authority	Estimated Completion Date	Business Report Required
51-11	0100-99904	Washington State Energy Code	Rule	19.27A.025, 045 RCW	Dec. 1997	Yes
51-13	100-503	Ventilation and Indoor Air Quality	Rule	19.27.190 RCW	Dec. 1997	Yes
51-04	010, 070	Policies and Procedure	Rule	19.27.035 RCW	Dec. 1997	No
51-06	020,120	Public Records	Rule	19.27 RCW	Dec. 1997	No
51-26	001-2301	Uniform Plumbing Code	Rule	19.27.074 RCW	Dec. 1997	Yes
51-27	001-008	Uniform Plumbing Code Standards	Rule	19.27.074 RCW	Dec. 1997	Yes
51-30	001-3404	Uniform Building Code	Rule	19.27.074 RCW 70.92.140 RCW	Dec. 1997	Yes
51-32	001-1313	Uniform Mechanical Code	Rule	19.27.074 RCW	Dec. 1997	Yes
51-34	001-9108	Uniform Fire Code	Rule	19.27.074 RCW	Dec. 1997	Yes
51-35	001-52600	Uniform Fire Code Standards	Rule	19.27.074 RCW	Dec. 1997	Yes

REGULATORY REVIEW

In compliance with Executive Order 97-02, Regulatory Improvement, the following criteria for regulatory review will be considered at the time of final adoption of the rule.

- Need.** The rule is necessary to comply with the requirements of RCW 19.27.074. The Council must regularly review updated versions of the codes cited in RCW 19.27.031, and amend and adopt those codes as deemed appropriate by the Council. Updated 1997 versions of the Uniform Codes have been published. The purpose and objective of this review, as given in

RCW 19.27.020, is to promote the health, safety and welfare of the occupants or users of buildings; to require minimum construction standards for the state of Washington; to permit the use of modern technical methods; to eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations; and to provide standards to make buildings accessible to and usable by persons with physical disabilities. The Council has identified rules that are obsolete, duplicative, or ambiguous, and has proposed amendments and revisions.

2. **Effectiveness and Efficiency.** The mission of the Council is to adopt building codes for uniform application throughout the state. In the course of the regular rule review, the Council examined regulatory alternatives and new technologies. The Council has identified where alternatives can be used effectively and efficiently. The Council efficiently achieves uniform state building codes by serving as the central administrative agency for statewide adoption of building codes.
3. **Clarity.** The Council is revising their filing procedure for state amendments to the national uniform codes. To enhance clarity, only those subsections with a state amendment will be filed under the main section number. The balance of the main section will remain as written in the national uniform code, as adopted by reference, unless otherwise noted. This reformatting change reorganizes and shortens the WACs, making statewide amendments more accessible and easier to understand, and necessitates new WAC number assignments.
4. **Intent and Statutory Authority.** The proposed rules are consistent with the legislative intent of RCW 19.27. This statute gives the Council sufficient authority to maintain the state building code and amend and adopt new editions of the Uniform Codes and Uniform Code Standards. The Uniform Codes are published every three years.
5. **Coordination.** The Council rulemaking process has included participation by national, state, and local building, fire, mechanical and plumbing officials, as well as state agency representatives for the departments of social and health services, health, labor and industries, and the state fire marshal. The Council actively seeks participation from other state agencies to assure that duplication and inconsistency is eliminated.
6. **Cost.** The Council appointed technical advisory groups and an Economic and Regulatory Assessment Committee to examine the costs and benefits associated with the revisions to the building code.
7. **Fairness.** The state amendments to the Uniform Codes proposed by the Council are intended to mitigate disproportionate impact on the regulated community. The Council consists of representatives from the regulated community, as well as public and regulatory officials. In addition, the Council enlisted the assistance of technical advisory groups made up of the individuals, organizations and businesses impacted by the building codes, to review code changes and proposals.

ONGOING PROCESS

The rules given in the table above will be reviewed pursuant to RCW 19.27.074, beginning in January 1998. Because of changes in the national model building code organizations, the legislature should amend the referenced national model building codes under RCW 19.27.031. The Council will consult with major stakeholders and conduct a review of the bylaws, mission and purpose of the technical advisory groups. The Council will appoint technical advisory groups to begin detailed review of the national model building codes and proposed statewide amendments. The technical advisory

groups will report findings to the appropriate Council committee for review. The next scheduled adoption of state building codes is December 2000.

SCHEDULE FOR REVIEW OF PROCEDURAL RULES AND OPINIONS

The following page is a proposed schedule for review of Council procedural rules and opinions. This schedule will be presented to the full Council for review and approval. The review process will be publicized through the state register and targeted mailings. All Council meetings are open to the public and held in convenient locations.

Proposed Schedule for Review of Procedural Rules and Opinions

WAC Chapters or Documents	Section Numbers	Chapter Title	Document Type	Statutory Authority	Estimated Completion Date	Business Report Required
365-110 WAC	010, 020 035	Building Permit Fees	Rule	19.27.085 RCW	Dec. 1998	No
51-04 WAC	010-070	Policies and Procedures	Rule	19.27.035 RCW	Dec. 1998	No
51-16 WAC	010-080	Building Code Guidelines	Rule	19.27.042, .060(7a) RCW	Dec. 1998	No
51-19 WAC	100-901	Historic Building Code	Rule	19.27.120 RCW	Dec. 2000	Yes
Council Bylaws	1995 version	Technical Advisory Groups	Other	19.27.074 (2a) RCW	January 1998	No
State Building Code Opinions	91-01 through 96-13	Regulation Specific	Opinion	51-04-060 WAC	July 1999	No

WSR 97-21-027

**NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD**

[Memorandum—October 6, 1997]

MEETING NOTICE

WASHINGTON STATE
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
MEETING NO. 56
OCTOBER 27-28, 1997

SPOKANE COMMUNITY COLLEGE
LAIR STUDENT CENTER
NORTH 1810 GREENE STREET
SPOKANE, WA 99207
(509) 533-7000

October 27, 1997, 5:30 - 8:30 p.m., the Workforce Training and Education Coordinating Board will hold an informal dinner meeting on October 27, 1997, at Spokane Community College, Lair Student Center, Student Activities Room. No action will be taken.

October 28, 1997, 8:00 a.m. - 4:00 p.m., the Workforce Training and Education Coordinating Board will hold a

meeting on October 28, 1997, at the Spokane Community College, Lair Student Center, Sasquatch Room, Spokane, Washington. The board will take action on employment standards definition; its vision, mission and values; the regional alliance map, and the annual report to the legislature. The board will discuss the ESHCR 4403 work, and PY 98 Carl Perkins Vocational Education and JTPA Education Coordination 8% funds. There will be a one-stop career center progress report and an update on interagency work on one-stop goals and indicators. Finally the Private Vocational Schools Advisory Committee will provide its annual report.

The meeting site is barrier free. People needing special accommodations, please call Caroline Haggard at least ten days in advance at (360) 753-5677.

WSR 97-21-029

**NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION**

[Memorandum—October 7, 1997]

Please publish the Transportation Commission's 1998 meeting schedule as follows:

- Wednesday and Thursday January 14 and 15
- Wednesday and Thursday February 18 and 19
- Wednesday and Thursday March 24 and 25
- Wednesday and Thursday April 15 and 16
- Wednesday and Thursday May 20 and 21
- Wednesday and Thursday June 17 and 18
- Wednesday and Thursday July 15 and 16
- Wednesday and Thursday August 19 and 20
- Wednesday and Thursday September 16 and 17
- Wednesday and Thursday October 14 and 15
- Wednesday and Thursday November 18 and 19
- Wednesday and Thursday December 16 and 17

All meetings will be held between 9:00 a.m. and 5:00 p.m. in Room 1D2 of the Transportation Building, 310 Maple Park Drive, Olympia.

WSR 97-21-031
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY
 [Memorandum—October 10, 1997]

WESTERN WASHINGTON UNIVERSITY
BOARD OF TRUSTEES

MEETING SCHEDULE FOR 1998

ACTION: Moved that the board of trustees approve the following proposed meeting schedule for 1998.

- February 5-6, 1998
- April 2-3, 1998
- June 11-12, 1998
- August 6-7, 1998
- October 1-2, 1998
- December 3-4, 1998

WSR 97-21-032
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Hearing and Speech)
 [Memorandum—October 8, 1997]

The Board of Hearing and Speech has canceled the open public meeting for October 24, 1997, Seattle, Washington.

If you have questions, please call (360) 753-1817.

WSR 97-21-033
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
 [Memorandum—October 10, 1997]

NOTICE OF MEETING
FOR THE
NATURAL HERITAGE ADVISORY COUNCIL

1998

The Natural Heritage Advisory Council will meet on the following date: January 14, 1998, 9:30 a.m. to 5:00 p.m. at the Natural Resources Building in Room 461 in Olympia, Washington.

Regular council business will include consideration of natural area preserve proposals, site proposals for the registry program and NAP management activities.

For further information contact the Department of Natural Resources, Washington Natural Heritage Program, Forest Resource Division, 1111 Washington Street S.E., P.O. Box 47016, Olympia, WA 98504-7016, (360) 902-1340.

WSR 97-21-034
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
 [Memorandum—October 10, 1997]

NOTICE OF MEETING
FOR THE
NATURAL HERITAGE ADVISORY COUNCIL

1998

The Natural Heritage Advisory Council will meet on the following date: March 11, 1998, 9:30 a.m. to 5:00 p.m. at the Natural Resources Building in Room 461 in Olympia, Washington.

Regular council business will include consideration of natural area preserve proposals, site proposals for the registry program and NAP management activities.

For further information contact the Department of Natural Resources, Washington Natural Heritage Program, Forest Resource Division, 1111 Washington Street S.E., P.O. Box 47016, Olympia, WA 98504-7016, (360) 902-1340.

WSR 97-21-035
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
 [Memorandum—October 10, 1997]

NOTICE OF MEETING
FOR THE
NATURAL HERITAGE ADVISORY COUNCIL

1998

The Natural Heritage Advisory Council will meet on the following date: May 28, 1998, 9:30 a.m. to 5:00 p.m., location to be announced.

Regular council business will include consideration of natural area preserve proposals, site proposals for the registry program and NAP management activities.

For further information contact the Department of Natural Resources, Washington Natural Heritage Program, Forest Resource Division, 1111 Washington Street S.E., P.O. Box 47016, Olympia, WA 98504-7016, (360) 902-1340.

MISC.

WSR 97-21-036
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
 [Memorandum—October 10, 1997]

NOTICE OF MEETING
 FOR THE
 NATURAL HERITAGE ADVISORY COUNCIL

1998

The Natural Heritage Advisory Council will meet on the following date: October 7, 1998, 9:30 a.m. to 5:00 p.m. at the Natural Resources Building in Room 461 in Olympia, Washington.

Regular council business will include consideration of natural area preserve proposals, site proposals for the registry program and NAP management activities.

For further information contact the Department of Natural Resources, Washington Natural Heritage Program, Forest Resource Division, 1111 Washington Street S.E., P.O. Box 47016, Olympia, WA 98504-7016, (360) 902-1340.

WSR 97-21-037
RULES COORDINATOR
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed October 10, 1997, 12:30 p.m.]

Paige G. Wall has been designated as the Rules Coordinator for the Department of Social and Health Services.

Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

WSR 97-21-047
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—October 9, 1997]

EDMONDS COMMUNITY COLLEGE
 BOARD OF TRUSTEES
 NOTICE OF SPECIAL MEETINGS
 TO MEDIA/OTHER
 Revised

- October 3, 1997* Trustees Association of Community and Technical Colleges Fall Conference: Holiday Inn Select, One South Grady Way, Renton, WA, 9:00 a.m.
- October 13, 1997* Edmonds Community College hosts Congressman Rick White: EdCC, Triton Union Building, Room 202, 20200 68th Avenue West, Lynnwood, WA, 12:00 noon.
- October 14, 1997 Edmonds Community College Board of Trustees Regular Session: EdCC, Snohomish Hall, Room 304B, 20226 68th Avenue West, Lynnwood, WA, 5:00 p.m.

- October 15, 1997* Association of Community College Trustees Convention '97: Wyndham Anatole Hotel, 2201 Stemmons Freeway, Dallas, Texas, 8:00 a.m.
- October 16, 1997* Association of Community College Trustees Convention '97: Wyndham Anatole Hotel, 2201 Stemmons Freeway, Dallas, Texas, 7:00 a.m.
- October 17, 1997* Association of Community College Trustees Convention '97: Wyndham Anatole Hotel, 2201 Stemmons Freeway, Dallas, Texas, 7:00 a.m.
- October 18, 1997* Association of Community College Trustees Convention '97: Wyndham Anatole Hotel, 2201 Stemmons Freeway, Dallas, Texas, 7:30 a.m.

* These events are being scheduled as special meetings, which are study sessions where no action will be taken. **Please note: All revisions will appear in bold italics.**

WSR 97-21-048
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
 [Memorandum—October 8, 1997]

The Washington State Convention and Trade Center's (WSCTC) Expansion Art Selection Committee will meet on Tuesday, October 14, 1997, from 8:00 a.m. - 5:00 p.m. in Room 403 of the Convention Center, 800 Convention Place, Seattle.

The WSCTC Design Committee will meet on Wednesday, October 15, 1997, from 10:00 a.m. - 1:00 p.m. in Room 307/308 of the Convention Center.

A regular meeting of the WSCTC board of directors will be held on Wednesday, October 15, 1997, at 1:30 p.m. in Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call 694-5000.

WSR 97-21-049
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
 (Capitol Campus Design Advisory Committee)
 [Memorandum—October 9, 1997]

Cancellation of Capitol Campus
 Design Advisory Committee

Please publish a notice of cancellation for the November 20, 1997, Capitol Campus Design Advisory Committee meeting in the Washington State Register.

If you have any questions, call 664-9212.

WSR 97-21-054
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed October 13, 1997, 3:48 p.m.]

Reviser's note: The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

WAC 246-887-140 SCHEDULE II
 NOTICE OF ADOPTION OF FEDERAL SCHEDULING ORDER —
 PLACEMENT OF REMINFENTANIL INTO SCHEDULE II

RCW 69.50.201 (2)(e) allows the board to directly adopt DEA scheduling orders without the need for issuance of a notice of proposed rule under chapter 34.05 RCW. Notice of proposed rule making was published in the May 7, 1997, edition of the Washington State Register, WSR 97-09-063. No objection to the proposed rule was received. On June 27, 1997, the board adopted the rule.

Arthur E. Yeoman
 Board Chair

AMENDATORY SECTION (Amending WSR 94-07-105, filed 3/18/94, effective 3/18/94)

WAC 246-887-140 Schedule II. The board finds that the following substances have a high potential for abuse and have currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions and that the abuse of the following substances may lead to severe psychic or psychological dependence. The board, therefore, places each of the following substances in Schedule II.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule II.

(b) Substances. (Vegetable origin or chemical synthesis.) Unless specifically excepted, any of the following substances, except those listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrophan, nalbuphine, naloxone, and naltrexone, and their respective salts, but including the following:

- (i) Raw opium;
- (ii) Opium extracts;
- (iii) Opium fluid;
- (iv) Powdered opium;
- (v) Granulated opium;
- (vi) Tincture of opium;
- (vii) Codeine;
- (viii) Ethylmorphine;
- (ix) Etorphine hydrochloride;
- (x) Hydrocodone;
- (xi) Hydromorphone;
- (xii) Metopon;
- (xiii) Morphine;
- (xiv) Oxycodone;
- (xv) Oxymorphone; and

(xvi) Thebaine.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (b)(1) of this section, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(5) Methylbenzoylcocgonine (cocaine—its salts, optical isomers, and salts of optical isomers).

(6) Concentrate of poppy straw (The crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrine alkaloids of the opium poppy.)

(c) Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

- (1) Alfentanil;
- (2) Alphaprodine;
- (3) Anileridine;
- (4) Bezitramide;
- (5) Bulk dextropropoxyphene (nondosage forms);
- (6) Carfentanil;
- (7) Dihydrocodeine;
- (8) Diphenoxylate;
- (9) Fentanyl;
- (10) Isomethadone;
- (11) Levo-alpha-acetylmethadol - also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM;
- (12) Levomethorphan;
- (13) Levorphanol;
- (14) Metazocine;
- (15) Methadone;
- (16) Methadone—Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;
- (17) Moramide—Intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;
- (18) Pethidine (meperidine);
- (19) Pethidine—Intermediate—A,4-cyano-1-methyl-4-phenylpiperidine;
- (20) Pethidine—Intermediate—B,ethyl-4-phenylpiperidine-4-carboxylate;
- (21) Pethidine—Intermediate—C,1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (22) Phenazocine;
- (23) Piminodine;
- (24) Racemethorphan;
- (25) Remifentanil;
- (26) Racemorphan;
- (~~(26)~~) (27) Sufentanil.

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) Methamphetamine, its salts, optical isomers, and salts of optical isomers;

(3) Phenmetrazine and its salts;

(4) Methylphenidate.

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital;

(2) Glutethimide;

(3) Pentobarbital;

(4) Phencyclidine;

(5) Secobarbital.

(f) Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

(2) Phenylacetone: Some trade or other names phenyl-2-propanone, P2P, benzyl methyl ketone, methyl benzyl ketone.

(3) Immediate precursors to phencyclidine (PCP):

(i) 1-phenylcyclohexylamine;

(ii) 1-piperidinocyclohexanecarbonitrile (PCC).

(g) Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product. (Some other names for dronabinol [6aR-trans]-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-i-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)

(2) Nabilone. (Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one.)

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

WSR 97-21-058

NOTICE OF PUBLIC MEETINGS

PUBLIC EMPLOYEES BENEFITS BOARD

[Memorandum—October 9, 1997]

It is once again that time of the year when we being making plans for next year's procurement cycle. Shown below is the proposed 1998 meeting schedule. Judy Lamm will contact you later this month to receive your input. If this proposal is agreeable with your schedules, it will be voted upon at the December board meeting.

**1998 Meeting Schedule
Proposed**

January 13 Attorney General Conference Center
February 24 Tyee Hotel, Tumwater

April 7	Lacey/Woodland Community Center
May 12	Lacey/Woodland Community Center
June 30	Lacey/Woodland Community Center
July 14	Lacey/Woodland Community Center
August 4	Lacey/Woodland Community Center
August 11	Lacey/Woodland Community Center
September 15	Lacey/Woodland Community Center
October 27	Lacey/Woodland Community Center
(Planning Session)	
December 1	Lacey/Woodland Community Center

**WSR 97-21-059
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE**
[Memorandum—October 10, 1997]

The following change was made to Walla Walla Community College's board of trustees meeting schedule:

Changed from: October 15, 1997, 10:30 a.m., WWCC Main Campus

Changed to: **October 29, 1997, 10:30 p.m. [a.m.],** WWCC Main Campus

If you have any questions on this information, please call (509) 527-4274.

**WSR 97-21-065
RULES COORDINATOR
OFFICE OF THE
STATE TREASURER**
[Filed October 14, 1997, 4:19 p.m.]

I hereby appoint Kay L. King, Regulatory Affairs Officer, as agency rules coordinator for the Office of the State Treasurer. She may be contacted at the Office of the State Treasurer, Legislative Building, 416 14th Avenue S.W., 2nd Floor, Olympia, WA 98504. This appointment is effective until revoked or superseded in writing. All public inquiry relating to rule-making activities of the Office of the State Treasurer should be directed to the agency rules coordinator.

Michael J. Murphy
State Treasurer

**WSR 97-21-070
RULES REVIEW PLAN
DEPARTMENT OF LICENSING**
[Filed October 15, 1997, 3:33 p.m.]

Reviser's note: The following Rules Review Plan has been electronically generated directly from the agency and has not been through the usual editing and proofing processes.

Please accept the Rule Review Progress Report of the Department of Licensing for publication in the Washington State Register as required by Executive Order 97-02. This Progress Report is presented in narrative and tabular format.

MISC.

Questions or comments may be addressed to Walt Fahrer, Rules Coordinator, Department of Licensing, 1125 Washington Street S.E., P.O. Box 9020, Olympia, WA 98507-9020, phone (360) 902-3640, FAX (360) 753-7500, e-mail wfahrer@dol.wa.gov.

**REPORT ON THE PROGRESS
MADE ON REGULATORY REVIEW**

DEPARTMENT OF LICENSING

OCTOBER, 1997

1. A summary of the number of rule sections amended or repealed and the number of pages eliminated in the Washington Administrative Code;

Since the executive order was signed, the Department has:

- Adopted 145 rules utilizing the intent of the review criteria in the executive order. Of the 145 rules, 29 were repealed, 75 were amended, and 41 were new.
- Eliminated 5.35 pages of code.

2. A summary of rules amended or repealed based on the review criteria in this executive order;

Since the rule review plan was developed, the Department has:

- Reviewed sixteen rules. Of the sixteen rules, eleven were amended, four were repealed, and one was retained.
- Eliminated .54 pages of code.

3. A summary of agency actions in response to petitions under RCW 34.05.330;

No petitions were filed with the agency.

4. A summary of the results of the agency's review of policy and interpretive statements and similar documents;

Twelve policy statements were reviewed, two were repealed, seven were retained, and three were amended.

5. A summary of the agency's review of reporting requirements imposed on businesses;

All the rules and policy statements reviewed contained no reporting requirements.

6. Recommendations for statutory or administrative changes resulting from the regulatory reviews;

None.

7. Other information the agency deems necessary or that may be required by the Governor.

The Department will encourage customers to view its website where they can read all the agency WAC's being reviewed and submit comments on-line.

Agency Name	WAC Chapters or Document	Section Number of Other Unique Identifier	Section Title	Document Type	Statutory Authority	Review Completion Date	Business Report Required	Final Action
				*Interpretive *Rule *Other		(month/year)	Y = yes N = No	*Repealed *Amended *Retained *New
Department of Licensing	308-96A WAC	308-96A-315	Temporary Placards	Rule	RCW 46.16.276	11/97	N	Repealed
Department of Licensing	308-96A WAC	308-96A-415	Centennial Plate Issuance	Rule	RCW 46.16.276	11/97	N	Repealed
Department of Licensing	308-96A WAC	308-96A-420	Centennial Plate Fee	Rule	RCW 46.16.276	11/97	N	Repealed
Department of Licensing	308-12 WAC	308-12-326	Architect Fees	Rule	RCW 18.08.340	06/97	N	Amended
Department of Licensing	196-12 WAC	196-12-010 196-12-020 196-12-030 196-12-050 196-12-060	Registration as a Professional Engineer	Rule	RCW 18.43.035	09/97	N	Amended
Department of Licensing	196-24 WAC	196-24-030 196-24-040 196-24-050	Applications and Examinations for Professional Engineers	Rule	RCW 18.43.035	09/97	N	Amended
Department of Licensing	308-49-WAC	308-49-162	Trustee and Master Trust Requirements	Rule	RCW 18.39.175	09/97	N	Repealed
Department of Licensing	308-49-WAC	308-49-164	Pre-arrangement Funeral Service Trust Agreement Requirements	Rule	RCW 18.39.175	09/97	N	Amended
Department of Licensing	308-48-WAC	308-48-150 308-48-160	Course of Training-Apprentice Funeral Directors and Apprentice Embalmers	Rule	RCW 18.39.175	09/97	N	Amended

Department of Licensing	308-48 WAC	308-48-030	Care of Human Remains	Rule	RCW 18.39.175	09/97	N	Amended
Department of Licensing	308-48-WAC	308-48-031	Funeral Establishment Facility, Equipment, and Embalming/Preparation Room Standards	Rule	RCW 18.39.175	09/97	N	Amended
Department of Licensing	Architect Board Policy	340-1	Complaints, Investigations, Disciplinary Action	Other		09/97	N	Retained
Department of Licensing	Architect Board Policy	340-2	Personal Appearances Before the Board	Other		09/97	N	Repealed
Department of Licensing	Architect Board Policy	340-4	Financial Reports	Other		09/97	N	Retained
Department of Licensing	Architect Board Policy	350-1	Education Evaluation and Equivalents	Other		09/97	N	Retained
Department of Licensing	Architect Board Policy	350-4	Foreign (Non-US) Education and Experience	Other		09/97	N	Amended
Department of Licensing	Architect Board Policy	350-5	Building Design Experience	Other		09/97	N	Retained
Department of Licensing	Architect Board Policy	360-1	Oral Examinations	Other		09/97	N	Amended
Department of Licensing	Architect Board Policy	360-2	Notification to Applicant	Other		09/97	N	Repealed
Department of Licensing	Architect Board Policy	400-1	Education, Training and Practice Standards and Examination Requirements for Reciprocal Registration of Canadian Architects	Other		09/97	N	Amended
Department of Licensing	Architect Board Policy	400-2	Structure Examinations	Other		09/97	N	Retained
Department of Licensing	Architect Board Policy	430-1	Determination of Qualification for Reinstatement of Delinquent Licenses	Other		09/97	N	Retained

Department of Licensing	Architect Board Policy	430-2	Obtaining Inactive License Status and Reinstatement	Other		09/97	N	Retained
Department of Licensing	308-12 WAC	308-12-010	State Board of Registration	Rule	RCW 18.08.340	09/97	N	Amended
Department of Licensing	308-12 WAC	308-12-025	Application for Examination	Rule	RCW 18.08.340	09/97	N	Amended
Department of Licensing	308-12 WAC	308-12-031	Registration Examination	Rule	RCW 18.08.340	09/97	N	Amended
Department of Licensing	308-12 WAC	308-12-040	Appeal of Examinations	Rule	RCW 18.08.340	09/97	N	Amended
Department of Licensing	308-12 WAC	308-12-050	Registration by Reciprocity	Rule	RCW 18.08.340	09/97	N	Retained

WSR 97-21-072
RULES REVIEW PLAN
UNIVERSITY OF WASHINGTON
 [Filed October 16, 1997, 9:55 a.m.]

Reviser's note: The following Rules Review Plan has been electronically generated directly from the agency and has not been through the usual editing and proofing processes.

University of Washington
Rule Review Progress Report 1997
 (Per EO 97-02)

Executive Summary:

The first rule review action scheduled on the University of Washington's Rule Review Plan is slated for completion later this year in December 1997. This timetable has allowed the University to continue extensive rule-making and rules review activities already in progress at the time Executive Order 97-02 became effective in March 1997. This report, therefore, focuses on the University's accomplishments in meeting the goals of regulatory reform since Executive Order 97-02 became effective.

The University has completed the following rule-making actions within Title 478 WAC since March 1997:

- Repeal of 57 rule sections;
- Retention of 9 rule sections;
- Amendment of 35 rule sections; and
- Creation of 61 new rule sections.

A. Background

The University of Washington's Rule Review Plan, for Title 478 WAC rules, was based on the following factors.

- 1) In general, the University's rules are not considered significant legislative rules (per RCW 34.05.328) in that they do not have a significant effect on the state's businesses, labor, consumers, and environment. Moreover, the University does not anticipate reviewing any such significant legislative rules under the University's Rule Review Plan as any of the University's rules which might qualify have recently or are currently undergoing rule-making activity and review.
- 2) During the past five years, the University has not been subject to any petition for the review of its rules, which would otherwise indicate difficulty with any existing rules.
- 3) Nonetheless, during the past three years, the University's usual mode of rules review has resulted in 65% of all rule sections in Title 478 WAC having either received a review (with any subsequent rule making necessary) or are pending rule-making action at this time.
- 4) Given the University's current high level of rule-making activity, the University's Rule Review Plan commits this agency to review all Title 478 WAC rules which: a) have not been reviewed during the past three years as part of rule-making; or b) were not currently under review as part of rule-making activities as of September 1, 1997.

- 5) Because of the current rule-making activity, the University's Rule Review Plan does not include any completion dates prior to December 1997.

Consequently, this University of Washington Progress Report for 1997 will concentrate on those regulatory improvements which were in progress at the time Executive Order 97-02 took effect in March 1997, and which have since been completed.

B. Summary of Regulatory Reform Accomplishments

In rule-making activity since March 1997, the University of Washington repealed 57 rule sections, retained 9 rule sections, amended 35 rule sections, and created 61 new rule sections. There has been no decrease in the number of pages containing the University's rules. (See the attached Status Report table for details regarding each rule section). Specific actions during this time period were as follows:

- 1) The University updated all references to its U.S. mail addresses throughout Title 478 WAC at the same time rules governing indexing of and access to public records were being amended. This rule-making activity included repealing 2 rule sections, retaining 8 rule sections, amending 31 rule sections, and creating 1 new rule section in various chapters throughout Title 478 WAC. These changes became effective July 1997.
- 2) The University also revised its parking and traffic rules to accommodate the public — for the first time breaking this chapter of the code into seven separate parts to better identify the multitude of topics covered. In order to accomplish this division of the code into clear, identifiable parts, 55 rule sections were repealed, 1 rule section was retained, 4 rule sections were amended, and 60 new rule sections were created. This complete revision of chapter 478-116 WAC was based on user input and required several University departments working together to create this streamlined version of the code. This change became effective September 1997.
- 3) The University, in conjunction with the Attorney General's Office, initiated a review of its policy and interpretive statements in 1996. During 1997, this review resulted in new administrative reporting procedures being written to assist in the identification, indexing, and notification process required by RCW 34.05.220 and 34.05.230. This material was distributed to pertinent members of the University's administration so that the revised identification and reporting process would begin with the 1997-98 academic year.

Also, during this time period the University of Washington was not subject to any petitions for agency action under RCW 34.05.330. In addition, the University does not impose any regulatory reporting requirements on businesses (although the University does comply with any such laws or rules as may be imposed by legislation or other state agencies upon its relationships with businesses).

C. Regulatory Reform: Recommendations for Statutory or Administrative Change

In carrying out the goals of the University of Washington's Rule Review Plan, it is anticipated that the University will avail itself of two relatively new administrative procedures for rule making: Expedited Adoption of Rules (RCW 34.05.230), and Expedited Repeal of Rules (RCW 34.05.354). Currently, the Expedited Repeal process is available to agencies at only two specific times per year while the Expedited Adoption process is available to agencies at any time. In order to meet the goals of Executive Order 97-02 in the area of regulatory reform, the University would like to join other state agencies in recommending that the Expedited Repeal process specified in RCW 34.05.354 be amended to reflect the same availability to agencies as that of the Expedited Adoption process in RCW 34.05.230.

MISC.

University of Washington Rule Review Status Report
(Per EO 97-02)

Agency Name	WAC Chapters or Document	Section Number or Other Unique Identifier	Section Title	Document Type	Statutory Authority	Review Completion Date	Business Report Required	Final Action
University of Washington	478-04 WAC	478-04-020	Organization—Operation—Information	Rule	chapter 34.05 RCW	07/97	N	Amended
University of Washington	478-108 WAC	478-108-020	Application for adjudicative proceeding	Rule	chapter 34.05 RCW	07/97	N	Amended
University of Washington	478-160 WAC	478-160-035	Application forms for undergraduate standing	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-040	Admission of undergraduate students through the educational opportunity program	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-050	Application forms for international students	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-060	Requests for reconsideration of admission decision	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-065	Admission of former students	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-085	Application forms	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-105	Admission to the school of dentistry—Application forms	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-110	Admission to the school of law—Application forms	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-120	Admission to the school of law with advanced standing—Application forms	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-125	Admission to the school of medicine	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-130	First-year admission to the school of medicine—Application forms	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-140	Application for transfer to the school of medicine	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-160	Applications for housing and financial aid	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-162	Financial aid information	Rule	chapter 34.05 RCW	07/97	N	Amended
University of Washington	478-160 WAC	478-160-175	Credit definitions	Rule	RCW 28B.20.130	07/97	N	Amended

University of Washington Rule Review Status Report
(Per EO 97-02)

University of Washington	478-160 WAC	478-160-210	Change of residence application forms	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-230	Appeal of change of residence determination	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-246	Enrollment confirmation deposit for new and returning students for autumn, winter and spring quarters	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-290	Withdrawal from the university	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-295	Military withdrawals	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-310	Change of school or college	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-160 WAC	478-160-320	Special instructional programs offered summer quarter	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-250 WAC	478-250-010	Purpose	Rule	RCW 28B.20.130	07/97	N	Retained
University of Washington	478-250 WAC	478-250-050	University rules coordination	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-250 WAC	478-250-060	Rule indexing	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-250 WAC	478-250-070	Requests for access to indexes	Rule	RCW 28B.20.130	07/97	N	Retained
University of Washington	478-276 WAC	478-276-010	Purpose	Rule	RCW 28B.20.130	07/97	N	Retained
University of Washington	478-276 WAC	478-276-020	Definitions	Rule	RCW 28B.20.130	07/97	N	Retained
University of Washington	478-276 WAC	478-276-030	Description of central and field organization of the University of Washington	Rule	RCW 28B.20.010	07/97	N	Repealed
University of Washington	478-276 WAC	478-276-040	General course and method of government	Rule	RCW 28B.20.100, 28B.20.130	07/97	N	Repealed
University of Washington	478-276 WAC	478-276-050	Public records available	Rule	RCW 28B.20.130	07/97	N	Retained
University of Washington	478-276 WAC	478-276-060	Public records officer	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-276 WAC	478-276-070	Times for inspection and copying	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-276 WAC	478-276-080	Requests for public records	Rule	RCW 28B.20.130, chapter 42.17 RCW	07/97	N	Amended

University of Washington Rule Review Status Report
(Per EO 97-02)

University of Washington	478-276 WAC	478-276-090	Commercial purposes	Rule	RCW 28B.20.130	07/97	N	Retained
University of Washington	478-276 WAC	478-276-100	Inspection of public records— Copying—Costs	Rule	RCW 28B.20.130, chapter 42.17 RCW	07/97	N	Amended
University of Washington	478-276 WAC	478-276-105	Protection of public records	Rule	RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300	07/97	N	New
University of Washington	478-276 WAC	478-276-110	Exemptions—Court Protection	Rule	RCW 28B.20.130	07/97	N	Retained
University of Washington	478-276 WAC	478-276-120	Review of denials of public records requests	Rule	RCW 28B.20.130	07/97	N	Retained
University of Washington	478-276 WAC	478-276-140	Public records office— Address	Rule	RCW 28B.20.130	07/97	N	Amended
University of Washington	478-116 WAC	478-116-010	Preamble	Rule	RCW 28B.10.300, 28B.10.560	09/97	N	Amended
University of Washington	478-116 WAC	478-116-020	Objectives of parking and traffic rules	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Amended
University of Washington	478-116 WAC	478-116-030	Applicable parking and traffic rules	Rule	RCW 28B.10.300, 28B.10.560	09/97	N	Amended
University of Washington	478-116 WAC	478-116-040	Authority of university police officers	Rule	RCW 28B.10.555	09/97	N	Retained
University of Washington	478-116 WAC	478-116-044	Authorized use of streets and parking facilities	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-046	Directions issued by university police officers	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-050	Revisions of these regulations	Rule	RCW 28B.10.560	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-051	Definitions	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-055	Definitions	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-060	Permits required for vehicles on campus	Rule	RCW 28B.10.300	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-061	Liability of university	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-070	Parking of motorcycles and scooters	Rule	RCW 28B.10.560	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-071	Severability, savings clause	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-080	Bicycle parking and traffic regulations	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed

University of Washington Rule Review Status Report
(Per EO 97-02)

University of Washington	478-116 WAC	478-116-088	Use of skateboards	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-090	Tourists and visitors—Exemption from permit requirements	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-095	Authorized use of streets and parking facilities	Rule	RCW 28B.10.300	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-100	Speed	Rule	RCW 28B.10.300	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-101	Numbering of parking areas, parking allocation and issuance of permits	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-110	Regulatory signs and directions	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-111	Valid permit	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-114	Transferable permits	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-116	Temporary and replacement permits	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-120	Pedestrians—Right of way	Rule	RCW 28B.10.560	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-121	Visitor parking	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-125	Other types of permits	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-130	Designated and assigned parking areas	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-131	Parking for events and other university functions	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-140	Parking within designated spaces	Rule	RCW 28B.10.300, 28B.10.560	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-141	Annual and quarterly permit periods	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-145	Evening permits	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-147	Carpool permits	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-151	Parking of state of Washington-owned university-operated motor vehicles	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-160	Exceptions to parking restrictions	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed

University of Washington Rule Review Status Report
(Per EO 97-02)

University of Washington	478-116 WAC	478-116-161	Annual parking fee payment	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-163	Fee schedule	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-165	Vehicle and driver's licenses required	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-167	Right to refuse to issue a permit	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-170	Special parking and traffic directions authorized	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-171	Responsibility of person to whom permit is issued	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-180	Liability of university	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-181	Refund conditions for parking permits	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-184	Recall of permits	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-186	Recall of carpool permits	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-190	Obstructing traffic prohibited	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-191	Regulatory signs, barricades, and markings	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-200	Parking—Operator's responsibility	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-201	Permits required for motor vehicles parked on campus during hours of operation— Assigned parking areas	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-210	Authorization for issuance of permits	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-211	Metered parking	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-220	Numbering of parking areas—Permit designation	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-221	Parking of motorcycles and scooters	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-223	Display of permits	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-225	Permits and vehicle license plates	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New

University of Washington Rule Review Status Report
(Per EO 97-02)

University of Washington	478-116 WAC	478-116-227	Permit transfer	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-230	Parking allocation	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-231	Use of revoked permits prohibited	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-240	Visitor parking	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-241	Overtime parking violations— Repeated	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-245	Obstructing traffic prohibited	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-250	Other types of permits	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-251	Regulatory signs and directions	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-253	Prohibited parking area(s)	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-255	Prohibited parking—Space designated for a wheelchair	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-260	Athletic event parking	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-261	Designated parking areas	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-270	Evening permits	Rule	RCW 28B.10.300	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-271	Parking within designated parking space	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-280	Transferable permits	Rule	RCW 28B.10.300	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-281	Parking—Safekeeping of unattended motor vehicles	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-290	Temporary and replacement permits	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-291	Impoundment of motor vehicles	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-300	Vehicle and driver's licenses required	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-301	Citation for motor vehicle violations	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-310	Annual and quarterly permit periods	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed

University of Washington Rule Review Status Report
(Per EO 97-02)

University of Washington	478-116 WAC	478-116-311	Motor vehicle fines and penalties	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-320	Parking area, zone and reserved area designations, and area assignments	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-330	Responsibility of person to whom permit issued	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-340	Display of permits	Rule	RCW 28B.10.300	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-345	Permits and vehicle license plates	Rule	RCW 28B.10.300	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-350	Metered parking	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-355	Overtime parking violations— Repeated	Rule	RCW 28B.10.560	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-360	Carpools	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-370	Recall of permits	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-380	Annual parking fee payment	Rule	RCW 28B.10.300	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-390	Schedule of fees	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-400	Refund conditions	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-401	Impoundment for failure to pay fines	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-411	Impoundment without prior notice	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-421	Impoundment of abandoned vehicles	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-431	Notice and redemption of impounded vehicles	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-440	Citation for violation	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-450	Election to pay fine or contest citation	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-460	Presiding and reviewing officer	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-501	Registered owner responsible for illegal parking	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New

[35]

Miscellaneous

MISC.

University of Washington Rule Review Status Report
(Per EO 97-02)

University of Washington	478-116 WAC	478-116-520	Motor vehicles—Payment of fines and penalties	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Amended
University of Washington	478-116 WAC	478-116-531	Motor vehicles—Election to pay fine or contest citation	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-540	Enforcement of decisions of citation hearing office	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-541	Motor vehicles—Election to contest impoundment	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-550	Registered owner responsible for illegal parking	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-551	Motor vehicles—Presiding and reviewing officer	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-561	decisions of citation hearing office	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-570	Regulatory signs, markings, barricades, etc.	Rule	RCW 28B.10.300, 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-580	Impoundment of vehicles	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-582	Impoundment for failure to pay fines	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-584	Impoundment without prior notice	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-586	Impoundment of abandoned vehicles	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-588	Notice and redemption of impounded vehicles	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-589	Election to contest impoundment	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-590	Delegation of authority	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-601	Fines and penalties	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-605	Bicycle parking and traffic rules	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-610	Effective date, severability, savings clause	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	Repealed
University of Washington	478-116 WAC	478-116-611	Nonmotorized vehicles—Citation for violations	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-620	Nonmotorized vehicles—Fines and penalties	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New

**University of Washington Rule Review Status Report
(Per EO 97-02)**

University of Washington	478-116 WAC	478-116-630	Nonmotorized vehicles— Schedule of fines and penalties	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-640	Nonmotorized vehicles— Election to pay fine or contest citation	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-650	Nonmotorized vehicles— Presiding and reviewing officer	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-660	Nonmotorized vehicles— Enforcement of decisions of citation hearing office	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New
University of Washington	478-116 WAC	478-116-670	Use of skateboards	Rule	RCW 28B.10.560, 28B.20.130	09/97	N	New

[37]

Miscellaneous

MISC.

WSR 97-21-074
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
 [Memorandum—October 16, 1997]

The State Board of Education schedule of meeting dates and locations for the 1997 calendar year, filed with the state code reviser on October 3, 1996, WSR 96-21-005, is amended as follows:

The date of the November meetings have been changed to:

November 18, 1997
 4:00 p.m. - 7:30 p.m.
 Meydenbauer Conference Center
 Room 406
 11100 N.E. 6th Street
 Bellevue, WA 98004
 (425) 450-3742

November 19-21, 1997
 Hyatt Regency Hotel
 900 Bellevue Way N.E.
 Bellevue, WA
 (425) 451-3019

WSR 97-21-078
ATTORNEY GENERAL OPINION
Cite as: AGO 1997 No. 4
 [October 7, 1997]

DEPARTMENT OF INFORMATION SYSTEMS - EDUCATION - SCHOOLS - RELIGION - PUBLIC FUNDS - COLLEGES AND UNIVERSITIES - Including privately-operated schools and colleges in K-20 Educational Network

1. It would not violate article VIII, section 7, of the state constitution to include privately-owned and operated schools and colleges in the K-20 Educational Network, provided that the private schools and colleges provide consideration in the form of monetary payment and valuable services.
2. It would not violate article I, section 11, or article IX, section 4, of the state constitution to include religiously-affiliated schools and colleges in the K-20 Educational Network, provided that there is consideration in the form of monetary payment and services, and provided that the Network is not operated in such a way as to violate the constitution.

Requested by:

The Honorable Steve E. Kolodney
 Director, Department of Information Services
 P.O. Box 42445
 Olympia, Washington 98504-2445

WSR 97-21-079
ATTORNEY GENERAL OPINION
Cite as: AGO 1997 No. 5
 [October 6, 1997]

STATE - COUNTIES - CITIES AND TOWNS - MUNICIPAL CORPORATIONS - PUBLIC FUNDS - Relationship of Intergovernmental Disposition of Property Act to RCW 43.09.210

1. When one government disposes of property to another government pursuant to chapter 39.33 RCW, RCW 43.09.210 requires that the transferring government receive "full value" for the transfer; "full value" has a flexible meaning depending on the circumstances of the transfer.
2. RCW 39.33.020, which requires public notice and a hearing before a government disposes of property having a value of more than \$50,000, applies only to intergovernmental transfers of property made pursuant to chapter 39.33 RCW.

Requested by:

The Honorable Brian Sonntag
 State Auditor
 Legislative Building
 P.O. Box 40021
 Olympia, Washington 98504-0021

WSR 97-21-080
ATTORNEY GENERAL OPINION
Cite as: AGO 1997 No. 6
 [October 10, 1997]

WATER - WATER RIGHTS - WELLS - Status in water rights system of exempt ground water withdrawals.

1. Where a property owner wishes to develop land and supply the development with domestic water from several wells, and each well will pump less than 5000 gallons per day but all the wells together will pump more than 5000 gallons per day, the project is a single withdrawal of ground water and is not exempt from the permit requirements of chapters 90.44 and 90.03 RCW.
2. There is no statutory provision for intertying, pursuant to RCW 90.03.383, water systems deriving from ground water withdrawals which were exempt from permitting pursuant to RCW 90.44.050; the intertie statute could be applied if the exempt withdrawals applied for a permit, or were consolidated (pursuant to Laws of 1997, ch. 446) with another water right with a permit or certificate.
3. If the owner of a water right deriving from an exempt ground water withdrawal applies for a permit for the withdrawal pursuant to RCW 90.44.050, the Department of Ecology would apply the four-element test contained in RCW 90.03.290 in deciding whether to grant a permit.
4. There is no statutory or other lawful basis for issuing a water rights certificate to the holder of a water right based on an exempt ground water withdrawal, unless either (1) the owner of the right applies for and receives

a permit or (2) the exempt right is first consolidated with a right covered by a permit or certificate.

There is no current statutory authority for transferring a water right deriving from an exempt ground water withdrawal to a different place of use and/or a different purpose of use pursuant to RCW 90.44.100, RCW 90.03.380 and related laws, unless (1) the owner of the right applies for and receives a permit or (2) the exempt right is first consolidated with a right covered by a permit or certificate.

Requested by:

The Honorable Tom Fitzsimmons
 Director, Department of Ecology
 300 Desmond Drive
 P.O. Box 47600
 Lacey, WA 98504-7600

The Honorable Bruce Miyahara
 Secretary, Department of Health
 1112 S.E. Quince Street
 P.O. Box 47890
 Olympia, WA 98504-7890

**WSR 97-21-085
 NOTICE OF PUBLIC MEETINGS
 COUNTY ROAD
 ADMINISTRATION BOARD**

[Memorandum—October 20, 1997]

October 30-31, 1997
 CRAB Office, Olympia

Thursday, October 30, 1997, 1:00 p.m.

Friday, October 31, 1997, 9:00 a.m.

**WSR 97-21-086
 NOTICE OF PUBLIC MEETINGS
 ENERGY FACILITY SITE
 EVALUATION COUNCIL**

[Memorandum—October 16, 1997]

EFSEC 1998 Meeting Schedule

Date	Day	Location
January 12	Monday	RoweSix Conference Center
February 9	Monday	WSU Building Conference Room 308
March 9	Monday	RoweSix Conference Center
April 13	Monday	RoweSix Conference Center
May 11	Monday	RoweSix Conference Center
June 8	Monday	RoweSix Conference Center
July 13	Monday	RoweSix Conference Center
August 10	Monday	RoweSix Conference Center
September 14	Monday	RoweSix Conference Center
October 12	Monday	RoweSix Conference Center
November 9	Monday	RoweSix Conference Center
December 14	Monday	RoweSix Conference Center

Meeting Location Addresses

Attorney General's Conference Center
 RoweSix - Building 1
 4224 6th Avenue S.E.
 Lacey, WA

WSU Building
 Conference Room 308
 925 Plum Street, Building 4
 Olympia, WA

The council meets on the 2nd Monday of each month. The meetings begin at 1:30 p.m. at the locations listed for each month.

The council's Executive Committee meets on the 1st and 3rd Monday of each month. The meetings are located at the WSU building in Conference Room 308.

If you plan to attend the meeting, and you require special assistance or auxiliary aids, please contact Joleen Karl, EFSEC staff, at (360) 956-2121 as soon as possible. For TDD, call (360) 956-2218.

**WSR 97-21-087
 NOTICE OF PUBLIC MEETINGS
 CONVENTION AND TRADE
 CENTER**

[Memorandum—October 16, 1997]

Pursuant to WSCTC board action, following is the 1998 regular meeting schedule of the board of directors. All regular meetings of the board will be held at 1:30 p.m. in a Convention Center meeting room.

Washington State Convention and Trade Center

1998 Regular Board Meetings

WSCTC Meeting Room
 Wednesday, 1:30 p.m.

- January 14
- February 25
- March 18
- April 15
- May 20
- June 17
- July 15
- August 19
- September 16
- October 21
- November 18
- December 16

Please call 694-5012 if you have any questions.

**WSR 97-21-088
 NOTICE OF PUBLIC MEETINGS
 EASTERN WASHINGTON UNIVERSITY**

[Memorandum—October 20, 1997]

BOARD OF TRUSTEES
 October 24, 1997, 9:00 a.m.

MISC.

Spokane Center
Second Floor Mall

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. at the Spokane Center, Room 222.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling President's Office, 359-2371.

WSR 97-21-089
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
[Memorandum—October 17, 1997]

At their October 7, 1997, meeting, the board of trustees of Community College District 24 voted to schedule a board retreat on Friday, November 21, 1997, 9:00 a.m. to 3:00 p.m. in the Boardroom of Building 25 on the college campus.

WSR 97-21-090
NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY
[Memorandum—October 20, 1997]

Regular meetings of the Central Washington University board of trustees will be held in Barge Hall, Room 412, on the Central Washington University campus in Ellensburg at 1:00 p.m. on the following dates:

- November 14, 1997
- December 12, 1997
- February 13, 1998
- April 10, 1998 (CWU Yakima Center
16th and Nob Hill, Yakima)
- May 15, 1998
- June 12, 1998

The board will also meet in retreat session July 30-31, 1998, at Sleeping Lady Resort in Leavenworth, Washington.

WSR 97-21-091
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE
[Memorandum—October 17, 1997]

The board of trustees of Peninsula College, District 1, Port Angeles, Washington, has set their calendar of regular meetings for 1998. The meeting dates and places are:

- | | | |
|----------------------|------------|---------------|
| January 13, 1998 | 2:00 p.m. | Port Angeles |
| February 10, 1998 | 2:00 p.m. | Port Angeles |
| March 10, 1998 | 2:00 p.m. | Port Angeles |
| April 14, 1998 | 2:00 p.m. | Forks |
| May 12, 1998 | 2:00 p.m. | Port Townsend |
| June 9, 1998 | 2:00 p.m. | Port Angeles |
| July and August 1998 | no meeting | |
| September 8, 1998 | 2:00 p.m. | Sequim |

- | | | |
|-------------------|------------|--------------|
| October 13, 1998 | 2:00 p.m. | Port Angeles |
| November 10, 1998 | 2:00 p.m. | Port Angeles |
| December 1998 | no meeting | |

WSR 97-21-109
NOTICE OF PUBLIC MEETINGS
ENERGY FACILITY SITE
EVALUATION COUNCIL
[Memorandum—October 21, 1997]

The previously scheduled room for the council's December 8, 1997, regularly scheduled monthly meeting has become unavailable. The December 8, 1997, meeting has been relocated to Room 308 at the council's office, 925 Plum Street, Building 4, Olympia, WA.

WSR 97-21-121
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
(Governor's Advisory Board for Plumbers)
[Memorandum—October 21, 1997]

In accordance with chapter 42.30 RCW, Open Public Meetings Act, the time and place of regular meetings for the Plumbers Advisory Board for 1998 have been scheduled. The meetings are scheduled to begin at 9:00 a.m. on the third Tuesday of January, April, July, and October at the following location:

- January 20, April 21, July 21, and October 20, 1998
- Department of Labor and Industries
- Rehabilitation Resource Center
- 12806 Gateway Drive
- Seattle, WA (Tukwila)

WSR 97-21-122
ATTORNEY GENERAL'S OFFICE
[Filed October 21, 1997, 11:15 a.m.]

NOTICE OF REQUEST
FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by November 12, 1997. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by November 12, 1997, the opinion may be issued before your comments have been received.

MISC.

You may notify the Attorney General's Office of your intention to comment by calling (360) 753-2678, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

**97-10-04 Request by David Skeen
Jefferson County Prosecuting Attorney**

1. **Do the requirements of RCW 36.70A apply to land platted or subdivided under RCW 58.16 and 58.17 prior to July 1, 1990?**
2. **If the answer to Question #1 is yes, is a county required to treat an existing subdivision, parcel or lot as valid, without requiring further regulation to develop pursuant to RCW 58.16, 58.17 or applicable county or state regulations relating to density?**
3. **Do the requirements of the GMA, codified as RCW 36.70A, and as amended in 1997 by ESB 6094, which require counties to include in their Comprehensive Plans a Rural Element which establishes appropriate rural densities that preserve the rural character and that do not contribute to rural sprawl, apply to lands platted or subdivided prior to July 1, 1990?**
4. **If the answer to Question #3 is yes, is a county required to treat a subdivision, parcel or lot that meets minimum health standards and other county regulations, but which does not meet current density requirements, as a legal, developable lot of record pursuant to RCW 58.17?**
5. **If the answer to Question #4 is no, is the county required to compel the aggregation or consolidation of properties held in common ownership to establish the rural density currently established under the local jurisdiction's GMA Comp. Plan?**

**WSR 97-21-135
NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD
[Memorandum—October 22, 1997]**

The Community Economic Revitalization Board chair, James L. McIntire, has cancelled the November 20, 1997, regularly scheduled meeting of the Community Economic Revitalization Board (CERB).

Please contact (360) 586-0657 if you have any questions.

**WSR 97-21-149
NOTICE OF PUBLIC MEETINGS
BOARD FOR
VOLUNTEER FIREFIGHTERS
[Memorandum—October 20, 1997]**

The State Board for Volunteer Firefighters will meet in the Olympia Forum Building, 605 11th Avenue S.E., Suite 112, on January 16, April 17, July 17, and October 16, 1998, at 9:00 a.m.

MISC.



WSR 97-19-041
EXPEDITED REPEAL
DEPARTMENT OF LICENSING
[Filed September 10, 1997, 9:35 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 308-56A-400 and 308-96A-315.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Walt Fahrer, Rules Coordinator, Department of Licensing, 1125 Washington Street S.E., Box 9020, Olympia, WA 98507-9020.

Reason the Expedited Repeal of the Rule is Appropriate: WAC 308-56A-400, another rule governs the same activity; and WAC 308-96A-315, part of the rule was combined with another rule and the governing RCW is clear on the issue.

September 10, 1997
Walt Fahrer
Rules Coordinator

WSR 97-19-054
EXPEDITED REPEAL
POLLUTION LIABILITY
INSURANCE AGENCY

[Filed September 15, 1997, 10:02 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 374-50-010, 374-50-020, 374-50-030, 374-50-035, 374-50-040, 374-50-050, 374-50-060, 374-50-070, 374-50-080, and 374-50-090.

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

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

Address Your Objection to: James M. Sims, Director, Pollution Liability Insurance Agency, P.O. Box 40930, Olympia, WA 98504-0930.

Reason the Expedited Repeal of the Rule is Appropriate: The program established by this chapter expired December 31, 1996.

September 12, 1997
James M. Sims
Director

WSR 97-19-067
EXPEDITED REPEAL
RENTON TECHNICAL COLLEGE
[Filed September 15, 1997, 3:50 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 495E-104-010 Time and place of board meetings.

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

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

Address Your Objection to: Gary Koppang, Vice-President, Human Resources, Renton Technical College, 3000 N.E. 4th Street, Renton, WA 98056-4195.

Reason the Expedited Repeal of the Rule is Appropriate: All topics covered in this WAC are covered in other rules, especially the Open Public Meetings Act, chapter 42.30 RCW.

September 12, 1997
Gary Koppang
Vice-President
Human Resources

WSR 97-20-027
EXPEDITED REPEAL
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed September 22, 1997, 4:24 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 460-65A-010 through 460-65A-125.

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

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

Address Your Objection to: Brad Ferber, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033.

Reason the Expedited Repeal of the Rule is Appropriate: The provisions contained in chapter 460-65A WAC, Regulations on procedures related to the entry of orders, should be repealed to assure compliance with the requirements of the Administrative Procedure Act, chapter 34.05 RCW.

September 18, 1997
John L. Bley
Director

WSR 97-20-028
EXPEDITED REPEAL
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed September 22, 1997, 4:52 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 415-108-050, 415-108-180, 415-108-190, 415-108-200, 415-108-210, 415-108-220, 415-108-240, 415-108-250, 415-108-260, 415-108-270, 415-108-280, 415-108-290, 415-108-060, 415-112-110, 415-116-010, 415-116-020, 415-116-030, 415-116-040, 415-116-050, 415-112-010, 415-108-195, 415-112-420, 415-112-030, 415-112-0152, and 415-108-230.

EXPEDITED REPEAL

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Paul Neal, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380.

Reason the Expedited Repeal of the Rule is Appropriate: In conducting the rules review required by Executive Order 97-02, the department determined that the rules listed above were unused and obsolete. In order to streamline the department's rules and avoid confusion in the regulated community, the rules listed above are being repealed.

September 22, 1997

Maureen Westgard-Long
Chief of Operations

WSR 97-20-036

EXPEDITED REPEAL

**DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

[Filed September 23, 1997, 4:45 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 365-06-010 to 365-06-020.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Erika Lim, Government Relations Director, voicemail (360) 753-2227, FAX (360) 586-3582, e-mail erikal@cted.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate: Merger of predecessor agencies has resulted in multiple rules governing the same activities and procedures. Small business economic impact statement is not required.

September 17, 1997

Ann Bariekman
Rules Coordinator

WSR 97-20-037

EXPEDITED REPEAL

**DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

[Filed September 23, 1997, 4:46 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 365-60-010 to 365-60-020.

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

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

Address Your Objection to: Erika Lim, Government Relations Director, voicemail (360) 753-2227, FAX (360) 586-3582, e-mail erikal@cted.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate: Agency no longer administers this program. Small business economic impact statement is not required.

September 17, 1997

Ann Bariekman
Rules Coordinator

WSR 97-20-038

EXPEDITED REPEAL

**DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

[Filed September 23, 1997, 4:47 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 25-18-010 to 25-18-130.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Erika Lim, Government Relations Director, voicemail (360) 753-2227, FAX (360) 586-3582, e-mail erikal@cted.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate: Merger of predecessor agencies has resulted in multiple rules governing the same activities and procedures. Small business economic impact statement not required.

September 17, 1997

Ann Bariekman
Rules Coordinator

WSR 97-20-039

EXPEDITED REPEAL

**DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

[Filed September 23, 1997, 4:48 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 25-36-010 to 25-36-130.

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

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

Address Your Objection to: Erika Lim, Government Relations Director, voicemail (360) 753-2227, FAX (360) 586-3582, e-mail erikal@cted.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate: The entity for whom these rules were made, no longer exists. Therefore, these rules are obsolete. Small business economic impact statement not required.

September 17, 1997
Ann Bariekman
Rules Coordinator

WSR 97-20-040
EXPEDITED REPEAL
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
[Filed September 23, 1997, 4:49 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 194-10-010 to 194-10-140.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Erika Lim, Government Relations Director, voicemail (360) 753-2227, FAX (360) 586-3582, e-mail erikal@cted.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate: Merger of predecessor agencies has resulted in multiple rules governing the same activities and procedures. Small business economic impact statement not required.

September 17, 1997
Ann Bariekman
Rules Coordinator

WSR 97-20-046
EXPEDITED REPEAL
DEPARTMENT OF ECOLOGY
[Order 97-37—Filed September 24, 1997, 9:43 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 173-490-203 Perchloroethylene dry cleaning systems.

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

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

Address Your Objection to: Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Reason the Expedited Repeal of the Rule is Appropriate: These sections should have been repealed when the newer requirements to limit emissions of perchloroethylene from existing and new dry cleaning systems were adopted. Established in 1991, the older rules conflict with the more stringent state-wide standards adopted on September 9, 1996. The newer standards are based on federal requirements and

also establish the requirements that would have been placed on a new business in 1993 as the minimum in the state.

September 19, 1997
Joseph A. Williams
Program Manager

WSR 97-20-047
EXPEDITED REPEAL
DEPARTMENT OF ECOLOGY
[Order 97-33—Filed September 24, 1997, 9:46 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapters 317-01, 317-02, and 317-03 WAC.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and rule is no longer necessary because of changed circumstances.

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

Address Your Objection to: Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Reason the Expedited Repeal of the Rule is Appropriate: Chapters 317-01 and 317-02 WAC are rules adopted by the Office of Marine Safety which merged into the Department of Ecology July 1, 1997. These rules describe the address and public records access procedures of the former agency. With the merger of the office into ecology, the rules are no longer necessary. Chapter 317-03 WAC are rules governing the appointment and functioning of four Regional Marine Safety Committees created by ESHB 1027, section 424, codified as RCW 88.46.110. In 1994, the Regional Marine Safety Committees were abolished and the enabling statute repealed by ESHB 2676 (section 871, chapter 9, Laws of 1994 sp.s. effective July 1, 1994).

September 17, 1997
Stan Norman
Program Manager

WSR 97-20-059
EXPEDITED REPEAL
OFFICE OF
FINANCIAL MANAGEMENT
[Filed September 25, 1997, 11:45 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 82-16-010, 82-16-020, 82-16-030, 82-16-040, 82-16-050, 82-16-060, 82-16-070, 82-16-080, 82-16-090, 82-16-100, 82-16-900, and 82-16-9001.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

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

TABLE

Address Your Objection to: Douglas Mah, Rules Coordinator, Office of Financial Management, P.O. Box 43113, Olympia, WA 98504-3113.

Reason the Expedited Repeal of the Rule is Appropriate: These rules were filed in 1964 and established the process for claim payments by the Office of Financial Management from the tort claim revolving fund as directed in RCW 4.92.170. RCW 4.92.170 has been repealed and replaced with RCW 4.92.160 which authorizes the Department of General Administration, risk management to make claim payments from the tort claim revolving fund and RCW 4.92.130 which sets up the liability account for payment of claims under the self-insurance liability program.

September 25, 1997
Douglas Mah
Rules Coordinator

WSR 97-20-072
EXPEDITED REPEAL
WASHINGTON STATE PATROL
[Filed September 26, 1997, 9:45 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 204-56 WAC, Procedures for measuring motor vehicle sound levels.

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

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

Address Your Objection to: Carol Morton, 4242 Martin Way, Olympia, WA 98504-2635, phone (360) 412-8934, FAX (360) 493-9090.

Reason the Expedited Repeal of the Rule is Appropriate: The Washington State Patrol no longer performs this task. Sound level instruments were turned over to the Department of Ecology approximately eight years ago. The noise level for vehicles was also turned over to the Department of Ecology. The WAC is obsolete.

September 25, 1997
Annette M. Sandberg
Chief

WSR 97-20-073
EXPEDITED REPEAL
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed September 26, 1997, 11:20 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 460-40A-015 through 460-40A-040.

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

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

Address Your Objection to: William M. Beatty, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, FAX (360) 586-5068, e-mail bbeatty@dfi.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 460-40A WAC contains regulations pertaining to investment company securities. The National Securities Markets Improvement Act of 1996 (NSMIA) preempted state regulation of such securities. The regulations in this chapter are therefore no longer enforceable and should be repealed.

September 26, 1997
Deborah Bortner
Securities Administrator

WSR 97-20-088
EXPEDITED REPEAL
HIGHER EDUCATION
COORDINATING BOARD
[Filed September 29, 1997, 10:30 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 250-61-150.

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

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

Address Your Objection to: Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, Attention: Cedric Page.

Reason the Expedited Repeal of the Rule is Appropriate: This section does not pertain to degree-granting institutions.
September 15, 1997
Cedric D. Page
Associate Director

WSR 97-20-089
EXPEDITED REPEAL
HIGHER EDUCATION
COORDINATING BOARD
[Filed September 29, 1997, 10:31 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 250-10-010 through 250-10-170.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

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

Address Your Objection to: Susan Patrick, Rules Coordinator, Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430.

Reason the Expedited Repeal of the Rule is Appropriate: The rules relate to the Council for Postsecondary Education which ceased to exist in 1985. A new agency was created with a different statute and mission, therefore, the rules have no effect.

September 17, 1997
Susan D. Patrick
Rules Coordinator

WSR 97-20-090
EXPEDITED REPEAL
HIGHER EDUCATION
COORDINATING BOARD
[Filed September 29, 1997, 10:32 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 250-16-001 through 250-16-060.

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

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

Address Your Objection to: Susan Patrick, Rules Coordinator, Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430.

Reason the Expedited Repeal of the Rule is Appropriate: These rules relate to a federal program that no longer exists.
September 26, 1997

Susan Patrick
Deputy Director
Governmental Relations and Policy

WSR 97-20-091
EXPEDITED REPEAL
HIGHER EDUCATION
COORDINATING BOARD
[Filed September 29, 1997, 10:33 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 250-12-010 through 250-12-070.

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

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

Address Your Objection to: Susan Patrick, Rules Coordinator, Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430.

Reason the Expedited Repeal of the Rule is Appropriate: These rules relate to federal programs that no longer exist.
September 26, 1997

Susan Patrick
Deputy Director
Governmental Relations and Policy

WSR 97-20-092
EXPEDITED REPEAL
HIGHER EDUCATION
COORDINATING BOARD
[Filed September 29, 1997, 10:34 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 250-55-010 through 250-55-220.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

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

Address Your Objection to: Susan Patrick, Rules Coordinator, Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430.

Reason the Expedited Repeal of the Rule is Appropriate: The statute on which WAC 250-55-010 through 250-55-220 is based was repealed. The procedures were revised and these WACs are no longer used or appropriate.

September 26, 1996
Susan Patrick
Director of Governmental Relations

WSR 97-20-110
EXPEDITED REPEAL
DEPARTMENT OF
GENERAL ADMINISTRATION
[Filed September 30, 1997, 1:42 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 236-48-240 Late payments.

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

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

Address Your Objection to: Marygrace Jennings, Department of General Administration, P.O. Box 41000, Olympia, WA 98504-1000, or by electronic mail mgjenni@ga.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate: WAC 236-48-240 is redundant and unnecessary. It repeats state policy established in RCW 39.76.010, regarding penalties for late payments to contractors. The additional direction that is provided in this rule, regarding the state's handling of complaints, does not require a rule for implementation. The same direction can be clearly and effectively provided to state agencies through the general authorities published by the Office of State Procurement, which provide guidelines for delegated state agency purchasing.

September 30, 1997
Marygrace Jennings
Agency Rules Coordinator

EXPEDITED REPEAL

WSR 97-20-111
EXPEDITED REPEAL
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed September 30, 1997, 1:43 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 236-10 WAC, Compliance with State Environmental Protection Act.

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

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

Address Your Objection to: Marygrace Jennings, Department of General Administration, P.O. Box 41000, Olympia, WA 98504-1000, or by electronic mail mgjenni@ga.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 236-10 WAC was superseded by chapter 236-11 WAC, which was adopted in September 1984 to reflect changes in the State Environmental Protection Act (SEPA) rules. Chapter 236-10 WAC references the old SEPA rules (chapter 197-10 WAC), which were repealed in February 1984 and replaced with chapter 197-11 WAC. Although replaced by revised rules, chapter 236-10 WAC was never repealed.

September 30, 1997
 Marygrace Jennings
 Agency Rules Coordinator

WSR 97-20-156
EXPEDITED REPEAL
DEPARTMENT OF HEALTH

[Filed October 1, 1997, 11:42 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-340-085 Criminal history, disclosure and background inquiries.

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

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

Address Your Objection to: Michelle Davis, Regulatory Affairs Manager, Department of Health, Mailstop 47890, Olympia, Washington 98504-7890, FAX (360) 586-7424.

Reason the Expedited Repeal of the Rule is Appropriate: This chapter, chapter 246-340 WAC, was repealed on September 20, 1993. Due to an administrative oversight, this section was not repealed with the rest of the chapter.

October 1, 1997
 Mimi L. Fields, MD, MPH
 for Bruce Miyahara
 Secretary

WSR 97-20-157
EXPEDITED REPEAL
DEPARTMENT OF HEALTH

[Filed October 1, 1997, 11:44 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-490-019 New record for child when father acknowledges paternity.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Michelle Davis, Regulatory Affairs Manager, Washington State Department of Health, P.O. Box 47890, Olympia, WA 98504-7890, FAX (360) 586-7424.

Reason the Expedited Repeal of the Rule is Appropriate: The legal documentation of paternity requirements in this rule do not meet the requirements outlined in the Washington State Welfare Reform Act, chapter 58, Laws of 1997. This act amended chapters 26.26 and 70.58 RCW to meet federal requirements for the addition of the father's name to a child's birth certificate, as well as the requirement for indicating marital status at the time of the child's birth. WAC 246-490-019 is also in conflict with the new Federal Welfare Reform Act—The Personal Responsibility and Work Opportunity Reconciliation Act outlines requirements for establishing paternity and mandates legal documentation for filing a paternity affidavit with the state registrar.

September 29, 1997
 Bruce Miyahara
 Secretary

WSR 97-20-158
EXPEDITED REPEAL
DEPARTMENT OF HEALTH

[Filed October 1, 1997, 11:45 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-812-130 Denturist licensure—Training course approval.

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

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

Address Your Objection to: Kirby Putscher, Program Manager, Board of Denture Technology, Department of Health, P.O. Box 47867, Olympia, WA 98504-7867.

Reason the Expedited Repeal of the Rule is Appropriate: Prior to December 8, 1996, RCW 18.30.090(3) allowed individuals who did not otherwise qualify under subsections (1) and (2) of this section were provided an opportunity to qualify for licensure by examination through years of employment in the field of denture technology and successful completion of approved training courses. This option is no longer available.

September 24, 1997
Bruce Miyahara
Secretary

September 23, 1997
S. Shoblom
for Bonnie King
Executive Director
Medical Quality Assurance Commission

WSR 97-20-159
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
[Filed October 1, 1997, 11:46 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-918-008 Brief adjudicative proceedings—Denials based on failure to meet education, experience, or examination prerequisites for licensure, 246-918-009 Adjudicative proceedings, 246-919-500 Brief adjudicative proceedings—Denials based on failure to meet education, experience, or examination prerequisites for licensure, and 246-919-510 Adjudicative proceedings.

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

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

Address Your Objection to: Michelle Davis, Rules Coordinator, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

Reason the Expedited Repeal of the Rule is Appropriate: Adjudicative proceedings and brief adjudicative proceedings are now governed under WAC 246-11-420 through 246-11-450. The above listed rules are redundant and are now to be repealed.

September 23, 1997
S. Shoblom
for Bonnie King
Executive Director
Medical Quality Assurance Commission

WSR 97-20-160
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
[Filed October 1, 1997, 11:48 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-918-160 Physician assistant and certified physician assistant disciplinary actions.

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

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

Address Your Objection to: Michelle Davis, Rules Coordinator, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

Reason the Expedited Repeal of the Rule is Appropriate: Disciplinary actions are defined under chapter 18.130 RCW, Uniform Disciplinary Act. This rule is redundant and is now being repealed.

WSR 97-21-001
EXPEDITED REPEAL
DEPARTMENT OF
GENERAL ADMINISTRATION
[Filed October 1, 1997, 4:10 p.m.]

The Following Sections are Proposed for Expedited Repeal: Title 380 WAC, Printing and duplicating committee.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

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

Address Your Objection to: Marygrace Jennings, Department of General Administration, P.O. Box 41000, Olympia, WA 98504-1000, or by electronic mail mgjenni@ga.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate: This rule sets a regular meeting time and place for the Printing and Duplicating Committee, which was established in 1965 under RCW 43.77.040. That statute was subsequently repealed in 1977. There is no printing and duplicating committee in existence, and no longer any authorizing statute for this rule.

September 30, 1997
Marygrace Jennings
Agency Rules Coordinator

WSR 97-21-002
EXPEDITED REPEAL
DEPARTMENT OF
GENERAL ADMINISTRATION
[Filed October 1, 1997, 4:12 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 236-48-004 Procedure followed in the solicitation of bids.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Marygrace Jennings, Department of General Administration, P.O. Box 41000, Olympia, WA 98504-1000, or by electronic mail mgjenni@ga.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate: The authorizing statute, chapter 43.19 RCW, and specifically

RCW 43.19.1906, has been gradually amended over time. WAC 236-48-004 has also been gradually revised to reflect those changes, and very little of the original rule is now left. The remaining language is either obsolete or redundant to the provisions of RCW 43.19.1906. Further, the general authorities issued by the Office of State Procurement, which govern the delegation of purchasing authorities to state agencies, provides the detail necessary for state agencies to comply with the provisions of chapter 43.19 RCW. This rule offers no additional guidance or clarity, and its repeal will not affect agency purchasing practices. This rule is internal to state government, directing the purchasing activities of state agencies. These activities are thoroughly covered by statute and policy. This rule is redundant, unnecessary, and can be repealed.

September 30, 1997
Marygrace Jennings
Agency Rules Coordinator

WSR 97-21-003
EXPEDITED REPEAL
DEPARTMENT OF REVENUE
[Filed October 1, 1997, 4:17 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 458-20-137 (Rule 137) Articles manufactured and installed and 458-20-253 (Rule 253) Mobile homes and mobile home park fee.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Alan R. Lynn, Rules Coordinator, Legislation and Policy, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467.

Reason the Expedited Repeal of the Rule is Appropriate: Rule 137, the tax issues addressed in this rule are discussed in other rules adopted by the department, including WAC 458-20-136 Manufacturing, processing for hire, fabricating and 458-20-19301 Multiple activities tax credits. This rule also provides some incorrect information because it does not discuss the multiple activity tax credit reporting requirements.

Rule 253, the underlying statutes implemented by this rule (RCW 82.08.065 and 59.22.060) have been repealed (chapter 139, Laws of 1997 and chapter 88, Laws of 1996, respectively).

October 1, 1997
Claire Hesselholt
Policy Counsel

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- XA = Expedited adoption
- XR = Expedited repeal

Note: These filings will appear in a special section of Issue 97-21

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 #
1-21-010	AMD-P	97-12-068	16-101-800	NEW-P	97-15-115	16-324-375	AMD	97-11-028
1-21-010	AMD	97-15-035	16-101-800	NEW	97-19-045	16-324-380	REP-P	97-07-075
1-21-020	AMD-P	97-12-068	16-105-001	PREP-X	97-14-074	16-324-380	REP	97-11-028
1-21-020	AMD	97-15-035	16-105-001	REP	97-18-041	16-324-381	NEW-P	97-07-075
1-21-070	AMD-P	97-12-068	16-105-010	PREP-X	97-14-074	16-324-381	NEW	97-11-028
1-21-070	AMD	97-15-035	16-105-010	REP	97-18-041	16-324-382	NEW-P	97-07-075
1-21-170	AMD-P	97-12-068	16-105-020	PREP-X	97-14-074	16-324-382	NEW	97-11-028
1-21-170	AMD	97-15-035	16-105-020	REP	97-18-041	16-324-390	REP-P	97-07-075
1-21-180	AMD-P	97-12-068	16-105-030	PREP-X	97-14-074	16-324-390	REP	97-11-028
1-21-180	AMD	97-15-035	16-105-030	REP	97-18-041	16-324-391	NEW-P	97-07-075
16-08-031	AMD-P	97-08-086	16-156	PREP	97-16-066	16-324-391	NEW	97-11-028
16-08-031	AMD	97-14-050	16-156-060	AMD-P	97-20-077	16-324-392	NEW-P	97-07-075
16-08-141	AMD-P	97-08-086	16-158	PREP	97-15-028	16-324-392	NEW	97-11-028
16-08-141	AMD	97-14-050	16-162	PREP	97-04-065	16-324-393	NEW-P	97-07-075
16-08-171	AMD-P	97-08-086	16-162-010	AMD-P	97-20-078	16-324-393	NEW	97-11-028
16-08-171	AMD	97-14-050	16-162-025	AMD-P	97-20-078	16-324-394	NEW-P	97-07-075
16-34-001	PREP-X	97-14-048	16-162-030	AMD-P	97-20-078	16-324-394	NEW	97-11-028
16-34-001	REP	97-18-042	16-162-031	REP-P	97-20-078	16-324-395	NEW-P	97-07-075
16-34-010	PREP-X	97-14-048	16-162-032	REP-P	97-20-078	16-324-395	NEW	97-11-028
16-34-010	REP	97-18-042	16-162-033	REP-P	97-20-078	16-324-396	NEW-P	97-07-075
16-34-020	PREP-X	97-14-048	16-162-034	NEW-P	97-20-078	16-324-396	NEW	97-11-028
16-34-020	REP	97-18-042	16-162-036	NEW-P	97-20-078	16-324-397	NEW-P	97-07-075
16-34-030	PREP-X	97-14-048	16-162-037	NEW-P	97-20-078	16-324-397	NEW	97-11-028
16-34-030	REP	97-18-042	16-162-040	NEW-P	97-20-078	16-324-398	NEW-P	97-07-075
16-34-040	PREP-X	97-14-048	16-162-045	NEW-P	97-20-078	16-324-398	NEW	97-11-028
16-34-040	REP	97-18-042	16-162-050	AMD-P	97-20-078	16-324-400	REP-P	97-07-075
16-46-001	PREP-X	97-14-048	16-162-070	AMD-P	97-20-078	16-324-400	REP	97-11-028
16-46-001	REP	97-18-042	16-162-100	AMD-P	97-20-078	16-324-401	NEW-P	97-07-075
16-46-005	PREP-X	97-14-048	16-164	PREP	97-15-029	16-324-401	NEW	97-11-028
16-46-005	REP	97-18-042	16-168	PREP	97-16-009	16-324-402	NEW-P	97-07-075
16-46-020	PREP-X	97-14-048	16-218-02001	AMD	97-05-003	16-324-402	NEW	97-11-028
16-46-020	REP	97-18-042	16-230-835	AMD-P	97-02-094	16-324-409	NEW-P	97-07-075
16-46-030	PREP-X	97-14-048	16-230-835	AMD-W	97-06-003	16-324-409	NEW	97-11-028
16-46-030	REP	97-18-042	16-230-862	AMD-P	97-02-094	16-324-410	REP-P	97-07-075
16-46-035	PREP-X	97-14-048	16-230-862	AMD-W	97-06-003	16-324-410	REP	97-11-028
16-46-035	REP	97-18-042	16-316-474	AMD-P	97-11-050	16-324-420	AMD-P	97-07-075
16-46-040	PREP-X	97-14-048	16-316-474	AMD	97-16-026	16-324-420	AMD	97-11-028
16-46-040	REP	97-18-042	16-316-715	AMD-P	97-11-050	16-324-430	REP-P	97-07-075
16-46-045	PREP-X	97-14-048	16-316-715	AMD	97-16-026	16-324-430	REP	97-11-028
16-46-045	REP	97-18-042	16-316-724	AMD-P	97-11-050	16-324-431	NEW-P	97-07-075
16-46-070	PREP-X	97-14-048	16-316-724	AMD	97-16-026	16-324-431	NEW	97-11-028
16-46-070	REP	97-18-042	16-324-360	REP-P	97-07-075	16-324-435	REP-P	97-07-075
16-50-001	PREP-X	97-14-048	16-324-360	REP	97-11-028	16-324-435	REP	97-11-028
16-50-001	REP	97-18-042	16-324-361	NEW-P	97-07-075	16-324-445	REP-P	97-07-075
16-50-010	PREP-X	97-14-048	16-324-361	NEW	97-11-028	16-324-445	REP	97-11-028
16-50-010	REP	97-18-042	16-324-370	AMD-P	97-07-075	16-324-446	NEW-P	97-07-075
16-50-020	PREP-X	97-14-048	16-324-370	AMD	97-11-028	16-324-446	NEW	97-11-028
16-50-020	REP	97-18-042	16-324-375	AMD-P	97-07-075	16-324-450	REP-P	97-07-075

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-324-450	REP	97-11-028	16-536-040	AMD-P	97-11-085	16-666-003	PREP-X	97-14-049
16-324-460	REP-P	97-07-075	16-536-040	AMD-C	97-15-151	16-666-003	REP	97-18-040
16-324-460	REP	97-11-028	16-573	NEW-C	97-17-063	16-666-030	PREP-X	97-14-049
16-324-470	REP-P	97-07-075	16-573-010	NEW-P	97-11-084	16-666-030	REP	97-18-040
16-324-470	REP	97-11-028	16-573-010	NEW-C	97-19-002	16-666-040	PREP-X	97-14-049
16-324-480	REP-P	97-07-075	16-573-020	NEW-P	97-11-084	16-666-040	REP	97-18-040
16-324-480	REP	97-11-028	16-573-020	NEW-C	97-19-002	16-666-050	PREP-X	97-14-049
16-324-490	REP-P	97-07-075	16-573-030	NEW-P	97-11-084	16-666-050	REP	97-18-040
16-324-490	REP	97-11-028	16-573-030	NEW-C	97-19-002	16-666-060	PREP-X	97-14-049
16-324-500	REP-P	97-07-075	16-573-040	NEW-P	97-11-084	16-666-060	REP	97-18-040
16-324-500	REP	97-11-028	16-573-040	NEW-C	97-19-002	16-666-070	PREP-X	97-14-049
16-324-510	REP-P	97-07-075	16-573-041	NEW-P	97-11-084	16-666-070	REP	97-18-040
16-324-510	REP	97-11-028	16-573-041	NEW-C	97-19-002	16-666-080	PREP-X	97-14-049
16-324-520	REP-P	97-07-075	16-573-050	NEW-P	97-11-084	16-666-080	REP	97-18-040
16-324-520	REP	97-11-028	16-573-050	NEW-C	97-19-002	16-666-080	PREP-X	97-14-049
16-324-530	REP-P	97-07-075	16-573-060	NEW-P	97-11-084	16-666-090	PREP-X	97-14-049
16-324-530	REP	97-11-028	16-573-060	NEW-C	97-19-002	16-666-090	REP	97-18-040
16-324-540	REP-P	97-07-075	16-573-070	NEW-P	97-11-084	16-666-100	PREP-X	97-14-049
16-324-540	REP	97-11-028	16-573-070	NEW-C	97-19-002	16-666-100	REP	97-18-040
16-324-600	REP-P	97-07-075	16-573-080	NEW-P	97-11-084	16-666-110	PREP-X	97-14-049
16-324-600	REP	97-11-028	16-573-080	NEW-C	97-19-002	16-666-110	REP	97-18-040
16-324-605	REP-P	97-07-075	16-580	PREP	97-10-098	16-666-120	PREP-X	97-14-049
16-324-605	REP	97-11-028	16-580	AMD-C	97-17-095	16-666-120	REP	97-18-040
16-324-610	REP-P	97-07-075	16-580-020	AMD-P	97-14-102	16-666-130	PREP-X	97-14-049
16-324-610	REP	97-11-028	16-580-020	AMD	97-21-110	16-666-130	REP	97-18-040
16-324-620	REP-P	97-07-075	16-580-040	AMD-P	97-14-102	16-670-001	PREP-X	97-14-049
16-324-620	REP	97-11-028	16-580-040	AMD	97-21-110	16-670-001	REP	97-18-040
16-324-630	REP-P	97-07-075	16-602-026	NEW-P	97-20-152	16-670-010	PREP-X	97-14-049
16-324-630	REP	97-11-028	16-602-045	NEW-P	97-20-152	16-670-010	REP	97-18-040
16-324-650	REP-P	97-07-075	16-602-050	NEW-P	97-20-152	16-675-010	AMD-P	97-09-103
16-324-650	REP	97-11-028	16-650-001	PREP-X	97-14-049	16-675-010	AMD	97-12-024
16-324-660	REP-P	97-07-075	16-650-001	REP	97-18-040	16-675-020	AMD-P	97-09-103
16-324-660	REP	97-11-028	16-654-030	PREP-X	97-14-049	16-675-020	AMD	97-12-024
16-324-670	REP-P	97-07-075	16-654-030	REP	97-18-040	16-675-030	AMD-P	97-09-103
16-324-670	REP	97-11-028	16-654-040	PREP-X	97-14-049	16-675-030	AMD	97-12-024
16-324-680	REP-P	97-07-075	16-654-040	REP	97-18-040	16-675-040	AMD-P	97-09-103
16-324-680	REP	97-11-028	16-654-050	PREP-X	97-14-049	16-675-040	AMD	97-12-024
16-409-020	AMD-S	97-02-098	16-654-050	REP	97-18-040	16-695-005	NEW-E	97-04-020
16-409-020	AMD	97-05-054	16-654-060	PREP-X	97-14-049	16-695-005	NEW-P	97-20-086
16-459-010	AMD-E	97-03-063	16-654-060	REP	97-18-040	16-695-010	NEW-E	97-04-020
16-470-100	AMD-P	97-04-089	16-660-001	PREP-X	97-14-049	16-695-010	NEW-P	97-20-086
16-470-100	AMD	97-09-098	16-660-001	REP	97-18-040	16-695-015	NEW-E	97-04-020
16-473-001	NEW-P	97-04-090	16-660-010	PREP-X	97-14-049	16-695-015	NEW-P	97-20-086
16-473-001	NEW-W	97-05-058	16-660-010	REP	97-18-040	16-695-020	NEW-E	97-04-020
16-473-001	NEW-P	97-05-059	16-662	AMD-P	97-09-080	16-695-020	NEW-P	97-20-086
16-473-001	NEW	97-11-015	16-662	AMD	97-12-075	16-695-025	NEW-E	97-04-020
16-473-010	NEW-P	97-04-090	16-662-070	REP-P	97-09-080	16-695-025	NEW-P	97-20-086
16-473-010	NEW-W	97-05-058	16-662-070	REP	97-12-075	16-695-030	NEW-E	97-04-020
16-473-010	NEW-P	97-05-059	16-662-071	REP-P	97-09-080	16-695-030	NEW-P	97-20-086
16-473-010	NEW	97-11-015	16-662-071	REP	97-12-075	16-695-035	NEW-E	97-04-020
16-473-015	NEW-P	97-04-090	16-662-100	NEW-P	97-09-080	16-695-035	NEW-P	97-20-086
16-473-015	NEW-W	97-05-058	16-662-100	NEW	97-12-075	16-695-040	NEW-E	97-04-020
16-473-015	NEW-P	97-05-059	16-662-105	NEW-P	97-09-080	16-695-040	NEW-P	97-20-086
16-473-015	NEW	97-11-015	16-662-105	NEW	97-12-075	16-695-045	NEW-E	97-04-020
16-473-020	NEW-P	97-04-090	16-662-110	NEW-P	97-09-080	16-695-045	NEW-P	97-20-086
16-473-020	NEW-W	97-05-058	16-662-110	NEW	97-12-075	16-695-050	NEW-E	97-04-020
16-473-020	NEW-P	97-05-059	16-662-115	NEW-P	97-09-080	16-695-050	NEW-P	97-20-086
16-473-020	NEW	97-11-015	16-662-115	NEW	97-12-075	16-695-055	NEW-E	97-04-020
16-473-025	NEW-P	97-04-090	16-664-010	NEW-P	97-09-102	16-695-055	NEW-P	97-20-086
16-473-025	NEW-W	97-05-058	16-664-010	NEW	97-12-076	16-695-060	NEW-E	97-04-020
16-473-025	NEW-P	97-05-059	16-664-020	NEW-P	97-09-102	16-695-060	NEW-P	97-20-086
16-473-025	NEW	97-11-015	16-664-020	NEW	97-12-076	16-695-065	NEW-E	97-04-020
16-532	PREP	97-05-067	16-664-030	NEW-P	97-09-102	16-695-065	NEW-P	97-20-086
16-532	PREP	97-19-100	16-664-030	NEW	97-12-076	16-695-070	NEW-E	97-04-020
16-532-010	AMD-P	97-09-095	16-664-040	NEW-P	97-09-102	16-695-070	NEW-P	97-20-086
16-532-010	AMD	97-17-096	16-664-040	NEW	97-12-076	16-695-075	NEW-E	97-04-020
16-532-040	AMD-P	97-09-095	16-664-040	AMD-XA	97-20-127	16-695-075	NEW-P	97-20-086
16-532-040	AMD	97-17-096	16-664-050	NEW-P	97-09-102	16-695-080	NEW-E	97-04-020
16-532-110	AMD-P	97-09-095	16-664-050	NEW	97-12-076	16-695-080	NEW-P	97-20-086
16-532-110	AMD	97-17-096	16-664-060	NEW-P	97-09-102	16-700-010	AMD	97-04-078
16-532-120	AMD-P	97-09-095	16-664-060	NEW	97-12-076	16-700-021	AMD-S	97-04-077
16-532-120	AMD	97-17-096	16-666-002	PREP-X	97-14-049	16-700-021	AMD	97-04-078
16-536-040	PREP	97-08-083	16-666-002	REP	97-18-040	16-700-021	AMD-C	97-09-025
						16-700-021	AMD	97-12-028

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-700-040	AMD	97-04-078	51-06-020	AMD-P	97-16-094	51-26-004	REP-P	97-16-114
16-700-050	AMD	97-04-078	51-06-120	AMD-P	97-16-094	51-26-008	REP-P	97-16-114
16-700-060	AMD	97-04-078	51-11-0101	AMD-P	97-16-110	51-26-0300	REP-P	97-16-114
16-700-080	AMD	97-04-078	51-11-0104	AMD-P	97-16-110	51-26-0310	REP-P	97-16-114
16-750	PREP	97-12-019	51-11-0201	AMD-P	97-16-110	51-26-0315	REP-P	97-16-114
16-750-003	AMD	97-06-108	51-11-0402	AMD-P	97-16-110	51-26-0400	REP-P	97-16-114
16-750-005	AMD-P	97-20-138	51-11-0502	AMD-P	97-16-110	51-26-0401	REP-P	97-16-114
16-750-011	AMD	97-06-108	51-11-0503	AMD-P	97-16-110	51-26-0500	REP-P	97-16-114
16-750-011	AMD-P	97-20-138	51-11-0504	AMD-P	97-16-110	51-26-0503	REP-P	97-16-114
16-750-015	AMD	97-06-108	51-11-0505	AMD-P	97-16-110	51-26-0909	REP-P	97-16-114
16-750-020	AMD	97-06-108	51-11-0525	AMD-P	97-16-110	51-26-1000	REP-P	97-16-114
16-750-130	AMD	97-06-108	51-11-0527	AMD-P	97-16-110	51-26-1004	REP-P	97-16-114
16-752-300	AMD-E	97-17-048	51-11-0530	AMD-P	97-16-110	51-26-1007	REP-P	97-16-114
16-752-300	AMD-P	97-21-134	51-11-0541	AMD-P	97-16-110	51-26-1009	REP-P	97-16-114
16-752-305	AMD-E	97-17-048	51-11-0602	AMD-P	97-16-110	51-26-1020	REP-P	97-16-114
16-752-305	AMD-P	97-21-134	51-11-0605	AMD-P	97-16-110	51-26-1301	REP-P	97-16-114
16-752-310	AMD-E	97-17-048	51-11-0606	REP-P	97-16-110	51-26-1800	REP-P	97-16-114
16-752-310	AMD-P	97-21-134	51-11-0607	REP-P	97-16-110	51-26-1801	REP-P	97-16-114
16-752-315	AMD-E	97-17-048	51-11-0608	REP-P	97-16-110	51-26-1802	REP-P	97-16-114
16-752-315	AMD-P	97-21-134	51-11-0625	AMD-P	97-16-110	51-26-1803	REP-P	97-16-114
16-752-320	AMD-E	97-17-048	51-11-0626	AMD-P	97-16-110	51-26-1804	REP-P	97-16-114
16-752-320	AMD-P	97-21-134	51-11-0627	AMD-P	97-16-110	51-26-1810	REP-P	97-16-114
16-752-330	AMD-E	97-17-048	51-11-0628	AMD-P	97-16-110	51-26-1820	REP-P	97-16-114
16-752-330	AMD-P	97-21-134	51-11-0629	AMD-P	97-16-110	51-26-1830	REP-P	97-16-114
25-18-010	PREP-XR	97-20-038	51-11-0630	AMD-P	97-16-110	51-26-1840	REP-P	97-16-114
25-18-020	PREP-XR	97-20-038	51-11-0701	AMD-P	97-16-110	51-26-1845	REP-P	97-16-114
25-18-030	PREP-XR	97-20-038	51-11-0800	AMD-P	97-16-110	51-26-2200	REP-P	97-16-114
25-18-040	PREP-XR	97-20-038	51-11-1002	AMD-P	97-16-110	51-26-2300	REP-P	97-16-114
25-18-050	PREP-XR	97-20-038	51-11-1003	AMD-P	97-16-110	51-26-2301	REP-P	97-16-114
25-18-060	PREP-XR	97-20-038	51-11-1004	AMD-P	97-16-110	51-27	PREP	97-06-107
25-18-070	PREP-XR	97-20-038	51-11-1005	AMD-P	97-16-110	51-27-001	NEW-P	97-16-114
25-18-080	PREP-XR	97-20-038	51-11-1006	AMD-P	97-16-110	51-27-002	NEW-P	97-16-114
25-18-090	PREP-XR	97-20-038	51-11-1007	AMD-P	97-16-110	51-27-003	NEW-P	97-16-114
25-18-100	PREP-XR	97-20-038	51-11-1008	AMD-P	97-16-110	51-27-004	NEW-P	97-16-114
25-18-110	PREP-XR	97-20-038	51-11-1009	AMD-P	97-16-110	51-27-008	NEW-P	97-16-114
25-18-120	PREP-XR	97-20-038	51-11-1010	REP-P	97-16-110	51-30-001	REP-P	97-16-111
25-18-130	PREP-XR	97-20-038	51-11-1120	AMD-P	97-16-110	51-30-002	REP-P	97-16-111
25-30-010	PREP-X	97-14-010	51-11-1130	AMD-P	97-16-110	51-30-003	REP-P	97-16-111
25-30-010	REP	97-19-018	51-11-1132	AMD-P	97-16-110	51-30-004	REP-P	97-16-111
25-30-020	PREP-X	97-14-010	51-11-1133	AMD-P	97-16-110	51-30-005	REP-P	97-16-111
25-30-020	REP	97-19-018	51-11-1210	AMD	97-03-017	51-30-007	REP-P	97-16-111
25-30-030	PREP-X	97-14-010	51-11-1210	AMD-P	97-16-110	51-30-008	REP-P	97-16-111
25-30-030	REP	97-19-018	51-11-1301	AMD	97-03-017	51-30-009	REP-P	97-16-111
25-30-040	PREP-X	97-14-010	51-11-1310	AMD-P	97-16-110	51-30-0100	REP-P	97-16-111
25-30-040	REP	97-19-018	51-11-1312	AMD-P	97-16-110	51-30-0104	REP-P	97-16-111
25-30-050	PREP-X	97-14-010	51-11-1322	AMD-P	97-16-110	51-30-0200	REP-P	97-16-111
25-30-050	REP	97-19-018	51-11-1323	AMD-P	97-16-110	51-30-0204	REP-P	97-16-111
25-36-010	PREP-XR	97-20-039	51-11-1331	AMD-P	97-16-110	51-30-0207	REP-P	97-16-111
25-36-020	PREP-XR	97-20-039	51-11-1334	AMD-P	97-16-110	51-30-0217	REP-P	97-16-111
25-36-030	PREP-XR	97-20-039	51-11-1411	AMD-P	97-16-110	51-30-0220	REP-P	97-16-111
25-36-040	PREP-XR	97-20-039	51-11-1412	AMD-P	97-16-110	51-30-0300	REP-P	97-16-111
25-36-050	PREP-XR	97-20-039	51-11-1414	AMD-P	97-16-110	51-30-0302	REP-P	97-16-111
25-36-060	PREP-XR	97-20-039	51-11-1421	AMD-P	97-16-110	51-30-0304	REP-P	97-16-111
25-36-070	PREP-XR	97-20-039	51-11-1422	AMD-P	97-16-110	51-30-0305	REP-P	97-16-111
25-36-080	PREP-XR	97-20-039	51-11-1423	AMD-P	97-16-110	51-30-0307	REP-P	97-16-111
25-36-090	PREP-XR	97-20-039	51-11-1433	AMD-P	97-16-110	51-30-0310	REP-P	97-16-111
25-36-100	PREP-XR	97-20-039	51-11-1452	AMD-P	97-16-110	51-30-0313	REP-P	97-16-111
25-36-110	PREP-XR	97-20-039	51-11-1454	AMD-P	97-16-110	51-30-0400	REP-P	97-16-111
25-36-120	PREP-XR	97-20-039	51-11-1512	AMD-P	97-16-110	51-30-0403	REP-P	97-16-111
25-36-130	PREP-XR	97-20-039	51-11-1530	AMD-P	97-16-110	51-30-0405	REP-P	97-16-111
44-06-030	AMD-P	97-21-123	51-11-1701	AMD-P	97-16-110	51-30-0500	REP-P	97-16-111
44-06-040	AMD-P	97-21-123	51-11-2005	AMD-P	97-16-110	51-30-0510	REP-P	97-16-111
44-06-050	AMD-P	97-21-123	51-11-2006	AMD-P	97-16-110	51-30-0600	REP-P	97-16-111
44-06-060	AMD-P	97-21-123	51-11-2007	AMD-P	97-16-110	51-30-0601	REP-P	97-16-111
44-06-080	AMD-P	97-21-123	51-11-99903	AMD-P	97-16-110	51-30-0800	REP-P	97-16-111
44-06-085	AMD-P	97-21-123	51-11-99904	AMD-P	97-16-110	51-30-0804	REP-P	97-16-111
44-06-090	AMD-P	97-21-123	51-13-106	AMD-P	97-16-112	51-30-0900	REP-P	97-16-111
44-06-140	AMD-P	97-21-123	51-13-402	AMD-P	97-16-112	51-30-0902	REP-P	97-16-111
44-06-150	AMD-P	97-21-123	51-13-502	AMD-P	97-16-112	51-30-0904	REP-P	97-16-111
51-04	PREP	97-14-112	51-26	PREP	97-06-107	51-30-1000	REP-P	97-16-111
51-04-015	AMD-P	97-16-093	51-26-001	REP-P	97-16-114	51-30-1001	REP-P	97-16-111
51-04-070	AMD-P	97-16-093	51-26-002	REP-P	97-16-114	51-30-1004	REP-P	97-16-111
51-06	PREP	97-14-112	51-26-003	REP-P	97-16-114	51-30-1005	REP-P	97-16-111

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-40-1105	NEW-P	97-16-111	51-44-1007	NEW-P	97-16-113	51-46-0793	NEW-P	97-16-114
51-40-1106	NEW-P	97-16-111	51-44-10210	NEW-P	97-16-113	51-46-0800	NEW-P	97-16-114
51-40-1107	NEW-P	97-16-111	51-44-1109	NEW-P	97-16-113	51-46-0810	NEW-P	97-16-114
51-40-1108	NEW-P	97-16-111	51-44-2500	NEW-P	97-16-113	51-46-0814	NEW-P	97-16-114
51-40-1109	NEW-P	97-16-111	51-44-5200	NEW-P	97-16-113	51-46-0815	NEW-P	97-16-114
51-40-1110	NEW-P	97-16-111	51-44-6100	NEW-P	97-16-113	51-46-0900	NEW-P	97-16-114
51-40-1111	NEW-P	97-16-111	51-44-6300	NEW-P	97-16-113	51-46-0903	NEW-P	97-16-114
51-40-1112	NEW-P	97-16-111	51-44-7404	NEW-P	97-16-113	51-46-1000	NEW-P	97-16-114
51-40-1113	NEW-P	97-16-111	51-44-7802	NEW-P	97-16-113	51-46-1003	NEW-P	97-16-114
51-40-1114	NEW-P	97-16-111	51-44-7900	NEW-P	97-16-113	51-46-1012	NEW-P	97-16-114
51-40-1191	NEW-P	97-16-111	51-44-8000	NEW-P	97-16-113	51-46-1300	NEW-P	97-16-114
51-40-1192	NEW-P	97-16-111	51-45-001	NEW-P	97-16-113	51-46-1301	NEW-P	97-16-114
51-40-1193	NEW-P	97-16-111	51-45-002	NEW-P	97-16-113	51-46-1302	NEW-P	97-16-114
51-40-1194	NEW-P	97-16-111	51-45-003	NEW-P	97-16-113	51-46-1303	NEW-P	97-16-114
51-40-1195	NEW-P	97-16-111	51-45-007	NEW-P	97-16-113	51-46-1304	NEW-P	97-16-114
51-40-1196	NEW-P	97-16-111	51-45-008	NEW-P	97-16-113	51-46-1301	NEW-P	97-16-114
51-40-1203	NEW-P	97-16-111	51-45-80400	NEW-P	97-16-113	51-46-1302	NEW-P	97-16-114
51-40-1506	NEW-P	97-16-111	51-46-001	NEW-P	97-16-114	51-46-1303	NEW-P	97-16-114
51-40-1616	NEW-P	97-16-111	51-46-002	NEW-P	97-16-114	51-46-1304	NEW-P	97-16-114
51-40-1702	NEW-P	97-16-111	51-46-003	NEW-P	97-16-114	51-46-1305	NEW-P	97-16-114
51-40-1909	NEW-P	97-16-111	51-46-007	NEW-P	97-16-114	51-46-1400	NEW-P	97-16-114
51-40-23110	NEW-P	97-16-111	51-46-008	NEW-P	97-16-114	51-46-1401	NEW-P	97-16-114
51-40-2406	NEW-P	97-16-111	51-46-0100	NEW-P	97-16-114	51-46-1401	NEW-P	97-16-114
51-40-2900	NEW-P	97-16-111	51-46-0101	NEW-P	97-16-114	51-46-1491	NEW-P	97-16-114
51-40-2929	NEW-P	97-16-111	51-46-0102	NEW-P	97-16-114	51-46-97120	NEW-P	97-16-114
51-40-3102	NEW-P	97-16-111	51-46-0103	NEW-P	97-16-114	51-46-97121	NEW-P	97-16-114
51-40-31200	NEW-P	97-16-111	51-46-0200	NEW-P	97-16-114	51-46-97122	NEW-P	97-16-114
51-40-3404	NEW-P	97-16-111	51-46-0205	NEW-P	97-16-114	51-46-97123	NEW-P	97-16-114
51-40-93115	NEW-P	97-16-111	51-46-0215	NEW-P	97-16-114	51-46-97124	NEW-P	97-16-114
51-40-93116	NEW-P	97-16-111	51-46-0218	NEW-P	97-16-114	51-46-97125	NEW-P	97-16-114
51-40-93117	NEW-P	97-16-111	51-46-0300	NEW-P	97-16-114	51-46-97126	NEW-P	97-16-114
51-40-93118	NEW-P	97-16-111	51-46-0301	NEW-P	97-16-114	51-46-97127	NEW-P	97-16-114
51-40-93119	NEW-P	97-16-111	51-46-0310	NEW-P	97-16-114	51-46-97128	NEW-P	97-16-114
51-40-93120	NEW-P	97-16-111	51-46-0311	NEW-P	97-16-114	51-46-97129	NEW-P	97-16-114
51-42-001	NEW-P	97-16-115	51-46-0313	NEW-P	97-16-114	51-47-001	NEW-P	97-16-114
51-42-002	NEW-P	97-16-115	51-46-0314	NEW-P	97-16-114	51-47-002	NEW-P	97-16-114
51-42-003	NEW-P	97-16-115	51-46-0392	NEW-P	97-16-114	51-47-003	NEW-P	97-16-114
51-42-004	NEW-P	97-16-115	51-46-0316	NEW-P	97-16-114	51-47-007	NEW-P	97-16-114
51-42-005	NEW-P	97-16-115	51-46-0400	NEW-P	97-16-114	51-47-008	NEW-P	97-16-114
51-42-007	NEW-P	97-16-115	51-46-0402	NEW-P	97-16-114	82-16-010	PREP-XR	97-20-059
51-42-008	NEW-P	97-16-115	51-46-0412	NEW-P	97-16-114	82-16-020	PREP-XR	97-20-059
51-42-0200	NEW-P	97-16-115	51-46-0413	NEW-P	97-16-114	82-16-030	PREP-XR	97-20-059
51-42-0223	NEW-P	97-16-115	51-46-0500	NEW-P	97-16-114	82-16-040	PREP-XR	97-20-059
51-42-0303	NEW-P	97-16-115	51-46-0501	NEW-P	97-16-114	82-16-050	PREP-XR	97-20-059
51-42-0504	NEW-P	97-16-115	51-46-0502	NEW-P	97-16-114	82-16-060	PREP-XR	97-20-059
51-42-0600	NEW-P	97-16-115	51-46-0505	NEW-P	97-16-114	82-16-070	PREP-XR	97-20-059
51-42-0601	NEW-P	97-16-115	51-46-0507	NEW-P	97-16-114	82-16-080	PREP-XR	97-20-059
51-42-0605	NEW-P	97-16-115	51-46-0509	NEW-P	97-16-114	82-16-090	PREP-XR	97-20-059
51-42-0901	NEW-P	97-16-115	51-46-0512	NEW-P	97-16-114	82-16-100	PREP-XR	97-20-059
51-42-1000	NEW-P	97-16-115	51-46-0513	NEW-P	97-16-114	82-16-900	PREP-XR	97-20-059
51-42-1002	NEW-P	97-16-115	51-46-0514	NEW-P	97-16-114	82-16-9001	PREP-XR	97-20-059
51-42-1004	NEW-P	97-16-115	51-46-0515	NEW-P	97-16-114	82-50-021	AMD-P	97-10-079
51-42-1005	NEW-P	97-16-115	51-46-0516	NEW-P	97-16-114	82-50-021	AMD	97-13-064
51-42-1100	NEW-P	97-16-115	51-46-0517	NEW-P	97-16-114	98-70-010	AMD-P	97-20-058
51-42-1101	NEW-P	97-16-115	51-46-0518	NEW-P	97-16-114	112-10-010	NEW-E	97-13-061
51-42-1102	NEW-P	97-16-115	51-46-0519	NEW-P	97-16-114	112-10-010	NEW-P	97-15-145
51-42-1103	NEW-P	97-16-115	51-46-0520	NEW-P	97-16-114	112-10-010	NEW	97-21-066
51-42-1104	NEW-P	97-16-115	51-46-0521	NEW-P	97-16-114	112-10-020	NEW-E	97-13-061
51-42-1105	NEW-P	97-16-115	51-46-0522	NEW-P	97-16-114	112-10-020	NEW-P	97-15-145
51-42-1106	NEW-P	97-16-115	51-46-0523	NEW-P	97-16-114	112-10-020	NEW	97-21-066
51-42-1107	NEW-P	97-16-115	51-46-0524	NEW-P	97-16-114	112-10-030	NEW-E	97-13-061
51-42-1108	NEW-P	97-16-115	51-46-0525	NEW-P	97-16-114	112-10-030	NEW-P	97-15-145
51-42-1311	NEW-P	97-16-115	51-46-0600	NEW-P	97-16-114	112-10-030	NEW	97-21-066
51-42-1312	NEW-P	97-16-115	51-46-0603	NEW-P	97-16-114	112-10-040	NEW-E	97-13-061
51-44-001	NEW-P	97-16-113	51-46-0604	NEW-P	97-16-114	112-10-040	NEW-P	97-15-145
51-44-002	NEW-P	97-16-113	51-46-0608	NEW-P	97-16-114	112-10-040	NEW	97-21-066
51-44-003	NEW-P	97-16-113	51-46-0609	NEW-P	97-16-114	112-10-050	NEW-E	97-13-061
51-44-007	NEW-P	97-16-113	51-46-0610	NEW-P	97-16-114	112-10-050	NEW-P	97-15-145
51-44-008	NEW-P	97-16-113	51-46-0700	NEW-P	97-16-114	112-10-050	NEW	97-21-066
51-44-0103	NEW-P	97-16-113	51-46-0701	NEW-P	97-16-114	112-10-060	NEW-E	97-13-061
51-44-0200	NEW-P	97-16-113	51-46-0704	NEW-P	97-16-114	112-10-060	NEW-P	97-15-145
51-44-0900	NEW-P	97-16-113	51-46-0710	NEW-P	97-16-114	112-10-060	NEW	97-21-066
51-44-1003	NEW-P	97-16-113	51-46-0713	NEW-P	97-16-114	118-40	PREP	97-20-118
						131	PREP	97-21-012

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
131-16	AMD-C	97-07-007	132N-108-060	NEW-P	97-15-078	132P-116-010	AMD	97-19-026
131-16-010	AMD-E	97-07-006	132N-108-060	NEW	97-19-078	132P-116-020	AMD-P	97-14-101
131-16-010	AMD	97-10-069	132N-108-070	NEW-P	97-15-078	132P-116-020	AMD	97-19-026
131-16-011	AMD-E	97-07-006	132N-108-070	NEW	97-19-078	132P-116-040	AMD-P	97-14-101
131-16-011	AMD	97-10-069	132N-108-080	NEW-P	97-15-078	132P-116-040	AMD	97-19-026
131-16-021	AMD-E	97-07-006	132N-108-080	NEW	97-19-078	132P-116-050	AMD-P	97-14-101
131-16-021	AMD	97-10-069	132N-108-090	NEW-P	97-15-078	132P-116-050	AMD	97-19-026
131-16-050	AMD-E	97-07-006	132N-108-090	NEW	97-19-078	132P-116-060	AMD-P	97-14-101
131-16-050	AMD	97-10-069	132N-120-010	NEW-P	97-10-018	132P-116-060	AMD	97-19-026
131-16-060	AMD-E	97-07-006	132N-120-010	NEW	97-17-013	132P-116-070	AMD-P	97-14-101
131-16-060	AMD	97-10-069	132N-120-020	NEW-P	97-10-018	132P-116-070	AMD	97-19-026
131-16-067	NEW-E	97-14-070	132N-120-020	NEW	97-17-013	132P-116-080	AMD-P	97-14-101
131-16-067	NEW-P	97-16-089	132N-120-030	NEW-P	97-10-018	132P-116-080	AMD	97-19-026
131-16-067	NEW	97-20-030	132N-120-030	NEW	97-17-013	132P-116-090	REP-P	97-14-101
131-16-068	NEW-E	97-14-070	132N-120-040	NEW-P	97-10-018	132P-116-090	REP	97-19-026
131-16-068	NEW-P	97-16-089	132N-120-040	NEW	97-17-013	132P-116-100	AMD-P	97-14-101
131-16-068	NEW	97-20-030	132N-120-050	NEW-P	97-10-018	132P-116-100	AMD	97-19-026
132E-111-010	PREP	97-08-080	132N-120-050	NEW	97-17-013	132P-116-110	AMD-P	97-14-101
132E-121-010	PREP	97-08-080	132N-120-060	NEW-P	97-10-018	132P-116-110	AMD	97-19-026
132E-121-010	AMD-P	97-11-068	132N-120-060	NEW	97-17-013	132P-116-120	AMD-P	97-14-101
132E-133-020	PREP	97-08-081	132N-120-065	NEW-P	97-10-018	132P-116-120	AMD	97-19-026
132E-133-020	AMD-P	97-11-069	132N-120-065	NEW	97-17-013	132P-116-130	AMD-P	97-14-101
132K-04	AMD-P	97-07-018	132N-120-070	NEW-P	97-10-018	132P-116-130	AMD	97-19-026
132K-04	AMD	97-12-071	132N-120-070	NEW	97-17-013	132P-116-140	AMD-P	97-14-101
132K-04-001	AMD-P	97-07-018	132N-120-070	NEW	97-17-013	132P-116-140	AMD	97-19-026
132K-04-001	AMD	97-12-071	132N-120-080	NEW-P	97-10-018	132P-116-150	AMD-P	97-14-101
132K-04-010	AMD-P	97-07-018	132N-120-080	NEW	97-17-013	132P-116-150	AMD	97-19-026
132K-04-010	AMD	97-12-071	132N-120-090	NEW-P	97-10-018	132P-116-160	REP-P	97-14-101
132K-04-010	AMD	97-12-071	132N-120-090	NEW	97-17-013	132P-116-160	REP	97-19-026
132K-04-020	AMD-P	97-07-018	132N-120-100	NEW-P	97-10-018	132P-116-170	AMD-P	97-14-101
132K-04-020	AMD	97-12-071	132N-120-100	NEW	97-17-013	132P-116-170	AMD	97-19-026
132K-04-030	AMD-P	97-07-018	132N-120-110	NEW-P	97-10-018	132P-116-170	AMD	97-19-026
132K-04-030	AMD	97-12-071	132N-120-110	NEW	97-17-013	132P-116-200	AMD-P	97-14-101
132K-04-050	AMD-P	97-07-018	132N-120-120	NEW-P	97-10-018	132P-116-200	AMD	97-19-026
132K-04-050	AMD	97-12-071	132N-120-120	NEW	97-17-013	132P-116-210	AMD-P	97-14-101
132K-04-070	REP-P	97-07-018	132N-120-130	NEW-P	97-10-018	132P-116-210	AMD	97-19-026
132K-04-070	REP	97-12-071	132N-120-130	NEW	97-17-013	132P-116-220	AMD-P	97-14-101
132K-04-080	AMD-P	97-07-018	132N-120-140	NEW-P	97-10-018	132P-116-220	AMD	97-19-026
132K-04-080	AMD	97-12-071	132N-120-140	NEW	97-17-013	132P-116-230	AMD-P	97-14-101
132K-04-110	AMD-P	97-07-018	132N-120-150	NEW-P	97-10-018	132P-116-230	AMD	97-19-026
132K-04-110	AMD	97-12-071	132N-120-150	NEW	97-17-013	132P-116-240	AMD-P	97-14-101
132K-04-130	AMD-P	97-07-018	132N-120-160	NEW-P	97-10-018	132P-116-240	AMD	97-19-026
132K-04-130	AMD	97-12-071	132N-120-160	NEW	97-17-013	132P-116-250	AMD-P	97-14-101
132K-08-010	REP-P	97-07-017	132N-120-170	NEW-P	97-10-018	132P-116-250	AMD	97-19-026
132K-08-010	REP	97-12-070	132N-120-170	NEW	97-17-013	132P-116-260	AMD-P	97-14-101
132N-20	PREP	97-06-008	132N-120-180	NEW-P	97-10-018	132P-116-260	AMD	97-19-026
132N-20-010	REP-P	97-10-018	132N-120-180	NEW	97-17-013	132P-116-270	AMD-P	97-14-101
132N-20-010	REP	97-17-013	132N-122	PREP	97-15-076	132P-116-270	AMD	97-19-026
132N-20-020	REP-P	97-10-018	132N-122-010	NEW-P	97-19-076	132P-116-280	AMD-P	97-14-101
132N-20-020	REP	97-17-013	132N-122-020	NEW-P	97-19-076	132P-116-280	AMD	97-19-026
132N-20-030	REP-P	97-10-018	132N-122-030	NEW-P	97-19-076	132P-116-290	AMD-P	97-14-101
132N-20-030	REP	97-17-013	132N-156	PREP	97-15-077	132P-116-290	AMD	97-19-026
132N-20-040	REP-P	97-10-018	132N-156-310	AMD-P	97-19-077	132P-116-300	NEW-P	97-14-101
132N-20-040	REP	97-17-013	132N-156-320	AMD-P	97-19-077	132P-116-300	NEW	97-19-026
132N-20-050	REP-P	97-10-018	132N-156-330	AMD-P	97-19-077	132Q-06-030	AMD-P	97-19-022
132N-20-050	REP	97-17-013	132N-156-400	AMD-P	97-19-077	132Q-20-020	AMD-P	97-19-022
132N-20-060	REP-P	97-10-018	132N-156-440	AMD-P	97-19-077	132Q-94-125	AMD-P	97-19-022
132N-20-060	REP	97-17-013	132N-156-450	AMD-P	97-19-077	132V-11-010	PREP	97-18-065
132N-20-070	REP-P	97-10-018	132N-156-460	AMD-P	97-19-077	132V-12-003	REP-P	97-03-128
132N-20-070	REP	97-17-013	132N-156-500	AMD-P	97-19-077	132V-12-003	REP	97-07-048
132N-20-080	REP-P	97-10-018	132N-156-550	AMD-P	97-19-077	132V-12-006	REP-P	97-03-128
132N-20-080	REP	97-17-013	132N-156-560	AMD-P	97-19-077	132V-12-006	REP	97-07-048
132N-20-090	REP-P	97-10-018	132N-156-600	AMD-P	97-19-077	132V-12-009	REP-P	97-03-128
132N-20-090	REP	97-17-013	132N-156-620	AMD-P	97-19-077	132V-12-009	REP	97-07-048
132N-108-010	NEW-P	97-15-078	132N-156-630	AMD-P	97-19-077	132V-12-012	REP-P	97-03-128
132N-108-010	NEW	97-19-078	132N-156-635	NEW-P	97-19-077	132V-12-012	REP	97-07-048
132N-108-020	NEW-P	97-15-078	132N-156-650	AMD-P	97-19-077	132V-12-015	REP-P	97-03-128
132N-108-020	NEW	97-19-078	132N-156-710	AMD-P	97-19-077	132V-12-015	REP	97-07-048
132N-108-030	NEW-P	97-15-078	132N-156-720	AMD-P	97-19-077	132V-12-018	REP-P	97-03-128
132N-108-030	NEW	97-19-078	132N-156-730	AMD-P	97-19-077	132V-12-018	REP	97-07-048
132N-108-040	NEW-P	97-15-078	132N-156-740	AMD-P	97-19-077	132V-12-018	REP	97-07-048
132N-108-040	NEW	97-19-078	132N-156-750	AMD-P	97-19-077	132V-12-021	REP-P	97-03-128
132N-108-050	NEW-P	97-15-078	132P-116	PREP	97-10-076	132V-12-021	REP	97-07-048
132N-108-050	NEW	97-19-078	132P-116-010	AMD-P	97-14-101	132V-12-024	REP-P	97-03-128
						132V-12-024	REP	97-07-048

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132V-12-416	REP	97-07-048	173-32-040	PREP-X	97-13-042	173-160-115	REP-P	97-19-081
132V-12-419	REP-P	97-03-128	173-32-040	REP	97-18-047	173-160-121	NEW-P	97-19-081
132V-12-419	REP	97-07-048	173-90-010	PREP-X	97-13-043	173-160-125	REP-P	97-19-081
132V-12-422	REP-P	97-03-128	173-90-010	REP	97-17-082	173-160-131	NEW-P	97-19-081
132V-12-422	REP	97-07-048	173-90-015	PREP-X	97-13-043	173-160-135	REP-P	97-19-081
132V-12-425	REP-P	97-03-128	173-90-015	REP	97-17-082	173-160-141	NEW-P	97-19-081
132V-12-425	REP	97-07-048	173-90-020	PREP-X	97-13-043	173-160-151	NEW-P	97-19-081
132V-12-428	REP-P	97-03-128	173-90-020	REP	97-17-082	173-160-161	NEW-P	97-19-081
132V-12-428	REP	97-07-048	173-90-040	PREP-X	97-13-043	173-160-171	NEW-P	97-19-081
132V-12-431	REP-P	97-03-128	173-90-040	REP	97-17-082	173-160-181	NEW-P	97-19-081
132V-12-431	REP	97-07-048	173-90-050	PREP-X	97-13-043	173-160-191	NEW-P	97-19-081
132V-12-434	REP-P	97-03-128	173-90-050	REP	97-17-082	173-160-201	NEW-P	97-19-081
132V-12-434	REP	97-07-048	173-90-060	PREP-X	97-13-043	173-160-205	REP-P	97-19-081
136-15-010	AMD-P	97-17-001	173-90-060	REP	97-17-082	173-160-211	NEW-P	97-19-081
136-15-050	AMD-P	97-17-001	173-90-070	PREP-X	97-13-043	173-160-215	REP-P	97-19-081
136-100-030	AMD-P	97-17-002	173-90-070	REP	97-17-082	173-160-221	NEW-P	97-19-081
136-110-010	AMD-P	97-17-002	173-95A-010	NEW-E	97-12-022	173-160-225	REP-P	97-19-081
136-110-030	AMD-P	97-17-002	173-95A-010	NEW-E	97-20-049	173-160-231	NEW-P	97-19-081
136-130-060	AMD	97-06-006	173-95A-010	NEW-P	97-20-050	173-160-235	REP-P	97-19-081
136-150-010	AMD-P	97-17-002	173-95A-020	NEW-E	97-12-022	173-160-241	NEW-P	97-19-081
136-150-022	AMD-P	97-17-002	173-95A-020	NEW-E	97-20-049	173-160-245	REP-P	97-19-081
136-150-023	AMD-P	97-17-002	173-95A-020	NEW-P	97-20-050	173-160-251	NEW-P	97-19-081
136-200-010	AMD-P	97-17-002	173-95A-030	NEW-E	97-12-022	173-160-255	REP-P	97-19-081
136-200-040	AMD-P	97-17-002	173-95A-030	NEW-E	97-20-049	173-160-261	NEW-P	97-19-081
136-210-010	AMD-P	97-17-002	173-95A-030	NEW-P	97-20-050	173-160-265	REP-P	97-19-081
137-28-140	AMD	97-03-041	173-95A-040	NEW-E	97-12-022	173-160-271	NEW-P	97-19-081
137-28-160	AMD	97-03-041	173-95A-040	NEW-E	97-20-049	173-160-275	REP-P	97-19-081
137-28-220	AMD	97-03-041	173-95A-040	NEW-P	97-20-050	173-160-281	NEW-P	97-19-081
137-28-260	AMD	97-03-041	173-95A-050	NEW-E	97-12-022	173-160-285	REP-P	97-19-081
137-28-350	AMD	97-03-041	173-95A-050	NEW-E	97-20-049	173-160-291	NEW-P	97-19-081
137-55-010	NEW	97-03-041	173-95A-050	NEW-P	97-20-050	173-160-295	REP-P	97-19-081
137-55-020	NEW	97-03-041	173-152-010	NEW-E	97-10-091	173-160-301	NEW-P	97-19-081
137-55-030	NEW	97-03-041	173-152-010	RESCIND	97-14-017	173-160-305	REP-P	97-19-081
137-55-040	NEW	97-03-041	173-152-010	NEW-E	97-14-017	173-160-311	NEW-P	97-19-081
137-55-050	NEW	97-03-041	173-152-010	NEW-P	97-17-081	173-160-315	REP-P	97-19-081
137-55-060	NEW	97-03-041	173-152-010	NEW-E	97-21-073	173-160-321	NEW-P	97-19-081
162-04	PREP	97-21-057	173-152-020	NEW-E	97-10-091	173-160-325	REP-P	97-19-081
162-12	PREP	97-21-057	173-152-020	RESCIND	97-14-017	173-160-331	NEW-P	97-19-081
162-16	PREP	97-21-057	173-152-020	NEW-E	97-14-017	173-160-335	REP-P	97-19-081
162-22	PREP	97-21-057	173-152-020	NEW-P	97-17-081	173-160-341	NEW-P	97-19-081
162-26	PREP	97-21-057	173-152-020	NEW-E	97-21-073	173-160-345	REP-P	97-19-081
162-28	PREP	97-21-057	173-152-025	NEW-E	97-14-017	173-160-351	NEW-P	97-19-081
162-38	PREP	97-21-057	173-152-025	NEW-E	97-21-073	173-160-355	REP-P	97-19-081
162-40	PREP	97-21-057	173-152-030	NEW-E	97-10-091	173-160-361	NEW-P	97-19-081
172-120-015	NEW	97-06-095	173-152-030	RESCIND	97-14-017	173-160-365	REP-P	97-19-081
172-120-020	AMD	97-06-095	173-152-030	NEW-P	97-17-081	173-160-371	NEW-P	97-19-081
172-120-030	AMD	97-06-095	173-152-040	NEW-E	97-10-091	173-160-375	REP-P	97-19-081
172-120-040	AMD	97-06-095	173-152-040	RESCIND	97-14-017	173-160-381	NEW-P	97-19-081
172-120-050	AMD	97-06-095	173-152-040	NEW-E	97-14-017	173-160-385	REP-P	97-19-081
172-120-060	AMD	97-06-095	173-152-040	NEW-P	97-17-081	173-160-390	NEW-P	97-19-081
172-120-070	AMD	97-06-095	173-152-040	NEW-E	97-21-073	173-160-395	REP-P	97-19-081
172-120-080	AMD	97-06-095	173-152-050	NEW-E	97-10-091	173-160-400	NEW-P	97-19-081
172-120-090	AMD	97-06-095	173-152-050	RESCIND	97-14-017	173-160-405	REP-P	97-19-081
172-120-100	AMD	97-06-095	173-152-050	NEW-E	97-14-017	173-160-410	NEW-P	97-19-081
172-120-110	AMD	97-06-095	173-152-050	NEW-P	97-17-081	173-160-415	REP-P	97-19-081
172-120-120	AMD	97-06-095	173-152-050	NEW-E	97-21-073	173-160-420	AMD-P	97-19-081
172-120-130	AMD	97-06-095	173-152-060	NEW-P	97-17-081	173-160-425	REP-P	97-19-081
172-120-140	AMD	97-06-095	173-160	PREP	97-10-093	173-160-430	NEW-P	97-19-081
172-120-150	REP	97-06-095	173-160-010	AMD-P	97-19-081	173-160-435	REP-P	97-19-081
173-22	AMD-C	97-03-129	173-160-020	AMD-P	97-19-081	173-160-440	NEW-P	97-19-081
173-22	AMD	97-04-076	173-160-030	AMD-P	97-19-081	173-160-445	REP-P	97-19-081
173-22-015	REP	97-04-076	173-160-040	AMD-P	97-19-081	173-160-450	NEW-P	97-19-081
173-22-030	AMD	97-04-076	173-160-050	AMD-P	97-19-081	173-160-455	REP-P	97-19-081
173-22-035	NEW	97-04-076	173-160-055	REP-P	97-19-081	173-160-460	NEW-P	97-19-081
173-22-040	AMD	97-04-076	173-160-061	NEW-P	97-19-081	173-160-465	REP-P	97-19-081
173-22-070	AMD	97-04-076	173-160-065	REP-P	97-19-081	173-160-475	REP-P	97-19-081
173-22-080	NEW	97-04-076	173-160-071	NEW-P	97-19-081	173-160-500	REP-P	97-19-081
173-32-010	PREP-X	97-13-042	173-160-075	REP-P	97-19-081	173-160-510	REP-P	97-19-081
173-32-010	REP	97-18-047	173-160-085	REP-P	97-19-081	173-160-520	REP-P	97-19-081
173-32-020	PREP-X	97-13-042	173-160-095	REP-P	97-19-081	173-160-530	REP-P	97-19-081
173-32-020	REP	97-18-047	173-160-101	NEW-P	97-19-081	173-160-540	REP-P	97-19-081
173-32-030	PREP-X	97-13-042	173-160-105	REP-P	97-19-081	173-160-550	REP-P	97-19-081
173-32-030	REP	97-18-047	173-160-111	NEW-P	97-19-081	173-160-560	REP-P	97-19-081

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-160-990	NEW-P	97-19-081	173-303-395	AMD-P	97-16-074	173-318-030	PREP-X	97-13-038
173-162	PREP	97-10-093	173-303-400	AMD-P	97-16-074	173-318-030	REP	97-18-044
173-162-010	AMD-P	97-19-081	173-303-505	AMD-P	97-16-074	173-318-040	PREP-X	97-13-038
173-162-020	AMD-P	97-19-081	173-303-520	AMD-P	97-16-074	173-318-040	REP	97-18-044
173-162-025	NEW-P	97-19-081	173-303-522	NEW-P	97-16-074	173-318-050	PREP-X	97-13-038
173-162-030	AMD-P	97-19-081	173-303-573	NEW-P	97-16-074	173-318-050	REP	97-18-044
173-162-040	AMD-P	97-19-081	173-303-600	AMD-P	97-16-074	173-318-060	PREP-X	97-13-038
173-162-050	AMD-P	97-19-081	173-303-610	AMD-P	97-16-074	173-318-060	REP	97-18-044
173-162-055	NEW-P	97-19-081	173-303-620	AMD-P	97-16-074	173-318-070	PREP-X	97-13-038
173-162-060	AMD-P	97-19-081	173-303-655	AMD-P	97-16-074	173-318-070	REP	97-18-044
173-162-070	AMD-P	97-19-081	173-303-665	AMD-P	97-16-074	173-318-080	PREP-X	97-13-038
173-162-075	NEW-P	97-19-081	173-303-675	AMD-P	97-16-074	173-318-080	REP	97-18-044
173-162-080	AMD-P	97-19-081	173-303-800	AMD-P	97-16-074	173-319-010	PREP-X	97-13-037
173-162-085	NEW-P	97-19-081	173-303-802	AMD-P	97-16-074	173-319-010	REP	97-18-045
173-162-090	AMD-P	97-19-081	173-303-804	AMD-P	97-16-074	173-319-020	PREP-X	97-13-037
173-162-095	NEW-P	97-19-081	173-303-805	AMD-P	97-16-074	173-319-020	REP	97-18-045
173-162-100	AMD-P	97-19-081	173-303-806	AMD-P	97-16-074	173-319-030	PREP-X	97-13-037
173-162-120	AMD-P	97-19-081	173-303-807	AMD-P	97-16-074	173-319-030	REP	97-18-045
173-162-127	NEW-P	97-19-081	173-303-810	AMD-P	97-16-074	173-319-040	PREP-X	97-13-037
173-162-130	AMD-P	97-19-081	173-303-815	AMD-P	97-16-074	173-319-040	REP	97-18-045
173-162-140	AMD-P	97-19-081	173-303-830	AMD-P	97-16-074	173-319-050	PREP-X	97-13-037
173-162-165	NEW-P	97-19-081	173-303-840	AMD-P	97-16-074	173-319-050	REP	97-18-045
173-162-170	REP-P	97-19-081	173-303-900	AMD-P	97-16-074	173-319-060	PREP-X	97-13-037
173-162-190	AMD-P	97-19-081	173-303-910	AMD-P	97-16-074	173-319-060	REP	97-18-045
173-162-200	AMD-P	97-19-081	173-303-9903	AMD-P	97-16-074	173-400-030	AMD-P	97-15-071
173-162-210	AMD-P	97-19-081	173-303-9904	AMD-P	97-16-074	173-400-110	AMD-P	97-15-071
173-201A-020	AMD-P	97-12-034	173-303-9905	AMD-P	97-16-074	173-400-110	AMD-C	97-20-123
173-201A-030	AMD-P	97-12-034	173-309-010	PREP-X	97-13-041	173-401-735	AMD-P	97-04-061
173-201A-040	AMD-P	97-12-034	173-309-010	REP	97-18-046	173-401-735	AMD	97-08-084
173-201A-050	AMD-P	97-12-034	173-309-020	PREP-X	97-13-041	173-401-830	PREP-X	97-14-075
173-201A-060	AMD-P	97-12-034	173-309-020	REP	97-18-046	173-401-830	REP	97-21-140
173-201A-110	AMD-P	97-12-034	173-309-030	PREP-X	97-13-041	173-425	PREP	97-21-099
173-201A-130	AMD-P	97-12-034	173-309-030	REP	97-18-046	173-430-040	AMD	97-03-021
173-201A-140	AMD-P	97-12-034	173-309-040	PREP-X	97-13-041	173-460-060	AMD-P	97-21-039
173-201A-160	AMD-P	97-12-034	173-309-040	REP	97-18-046	173-490	PREP	97-09-018
173-202-020	AMD-E	97-05-039	173-309-050	PREP-X	97-13-041	173-490-203	PREP-XR	97-20-046
173-202-020	PREP	97-08-038	173-309-050	REP	97-18-046	173-491	PREP	97-09-018
173-202-020	AMD-E	97-13-036	173-309-060	PREP-X	97-13-041	173-491-015	AMD-P	97-21-139
173-202-020	AMD-P	97-15-130	173-309-060	REP	97-18-046	173-491-020	AMD	97-04-012
173-202-020	AMD-E	97-16-038	173-309-070	PREP-X	97-13-041	173-491-020	AMD-P	97-21-139
173-223	PREP-X	97-14-076	173-309-070	REP	97-18-046	173-491-040	AMD	97-04-012
173-224	PREP	97-14-084	173-309-080	PREP-X	97-13-041	173-491-040	AMD-P	97-21-139
173-224-030	AMD-P	97-20-048	173-309-080	REP	97-18-046	173-491-050	AMD	97-04-012
173-224-040	AMD-P	97-20-048	173-309-080	REP	97-18-046	173-500	PREP	97-13-074
173-224-050	AMD-P	97-20-048	173-309-090	PREP-X	97-13-041	173-531A	PREP	97-12-092
173-303	PREP	97-04-062	173-309-090	REP	97-18-046	173-563-090	PREP	97-12-092
173-303-017	AMD-P	97-16-074	173-311-010	PREP-X	97-13-040	174-116	PREP	97-05-044
173-303-040	AMD-P	97-16-074	173-311-010	REP	97-18-048	174-122	PREP	97-05-044
173-303-045	AMD-P	97-16-074	173-311-020	PREP-X	97-13-040	174-122	REP-P	97-09-084
173-303-070	AMD-P	97-16-074	173-311-020	REP	97-18-048	174-122-010	REP	97-13-047
173-303-071	AMD-P	97-16-074	173-311-030	PREP-X	97-13-040	174-122-010	REP	97-09-084
173-303-073	AMD-P	97-16-074	173-311-030	REP	97-18-048	174-122-020	REP-P	97-13-047
173-303-077	NEW-P	97-16-074	173-311-040	PREP-X	97-13-040	174-122-020	REP	97-13-047
173-303-081	AMD-P	97-16-074	173-311-040	REP	97-18-048	174-122-030	REP-P	97-09-084
173-303-082	AMD-P	97-16-074	173-311-050	PREP-X	97-13-040	174-122-030	REP	97-13-047
173-303-090	AMD-P	97-16-074	173-311-050	REP	97-18-048	174-122-040	REP-P	97-09-084
173-303-100	AMD-P	97-16-074	173-315-010	PREP-X	97-13-039	174-122-040	REP	97-13-047
173-303-104	AMD-P	97-16-074	173-315-010	REP	97-18-043	174-130	PREP	97-05-044
173-303-110	AMD-P	97-16-074	173-315-020	PREP-X	97-13-039	174-130-010	REP-P	97-09-084
173-303-120	AMD-P	97-16-074	173-315-020	REP	97-18-043	174-130-010	REP	97-13-047
173-303-140	AMD-P	97-16-074	173-315-030	PREP-X	97-13-039	174-130-020	REP-P	97-09-084
173-303-145	AMD-P	97-16-074	173-315-030	REP	97-18-043	174-130-020	REP	97-13-047
173-303-160	AMD-P	97-16-074	173-315-040	PREP-X	97-13-039	174-133	PREP	97-05-044
173-303-180	AMD-P	97-16-074	173-315-040	REP	97-18-043	174-133-020	AMD-P	97-09-084
173-303-201	AMD-P	97-16-074	173-315-040	REP	97-18-043	174-133-020	AMD	97-13-047
173-303-210	AMD-P	97-16-074	173-315-050	PREP-X	97-13-039	174-140	PREP	97-05-044
173-303-230	AMD-P	97-16-074	173-315-050	REP	97-18-043	174-140-010	NEW-P	97-09-084
173-303-280	AMD-P	97-16-074	173-315-060	PREP-X	97-13-039	174-140-010	REP-P	97-13-047
173-303-282	AMD-P	97-16-074	173-315-060	REP	97-18-043	174-140-180	REP-P	97-09-084
173-303-300	AMD-P	97-16-074	173-315-070	PREP-X	97-13-039	174-140-180	REP	97-13-047
173-303-335	AMD-P	97-16-074	173-315-070	REP	97-18-043	174-140-190	REP-P	97-09-084
173-303-350	AMD-P	97-16-074	173-318-010	PREP-X	97-13-038	174-140-190	REP	97-13-047
173-303-380	AMD-P	97-16-074	173-318-010	REP	97-18-044	174-140-200	REP-P	97-09-084
			173-318-020	PREP-X	97-13-038	174-140-200	REP	97-13-047
			173-318-020	REP	97-18-044			

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
174-140-210	REP-P	97-09-084	180-75-061	REP	97-04-088	180-78A-047	NEW	97-04-084
174-140-210	REP	97-13-047	180-75-065	REP	97-04-088	180-78A-057	NEW	97-04-084
174-140-220	REP-P	97-09-084	180-75-070	REP	97-04-088	180-78A-057	AMD-P	97-20-143
174-140-220	REP	97-13-047	180-75-081	DECOD	97-04-082	180-78A-060	NEW	97-04-084
174-140-230	REP-P	97-09-084	180-75-082	REP	97-04-088	180-78A-063	NEW	97-04-084
174-140-230	REP	97-13-047	180-75-083	DECOD	97-04-082	180-78A-065	NEW	97-04-084
174-140-240	REP-P	97-09-084	180-75-085	REP	97-04-088	180-78A-068	NEW	97-04-084
174-140-240	REP	97-13-047	180-75-087	REP	97-04-088	180-78A-073	NEW	97-04-084
174-276	PREP	97-05-044	180-75-088	REP	97-04-088	180-78A-074	NEW	97-04-084
174-276	AMD-P	97-09-084	180-75-089	REP	97-04-088	180-78A-075	NEW	97-04-084
174-276	AMD	97-13-047	180-75-090	REP	97-04-088	180-78A-080	NEW	97-04-084
174-276-005	NEW-P	97-09-084	180-75-091	REP	97-04-088	180-78A-135	NEW	97-04-084
174-276-005	NEW	97-13-047	180-75-092	REP	97-04-088	180-78A-140	NEW	97-04-084
174-276-010	AMD-P	97-09-084	180-75-100	REP	97-04-088	180-78A-142	NEW	97-04-084
174-276-010	AMD	97-13-047	180-75-110	REP	97-04-088	180-78A-145	NEW	97-04-084
174-276-040	AMD-P	97-09-084	180-77	PREP	97-10-016	180-78A-150	NEW	97-04-084
174-276-040	AMD	97-13-047	180-77-003	AMD	97-04-085	180-78A-150	AMD-P	97-20-143
174-276-050	AMD-P	97-09-084	180-77-003	AMD-P	97-20-134	180-78A-155	NEW	97-04-084
174-276-050	AMD	97-13-047	180-77-014	AMD-P	97-20-134	180-78A-160	NEW	97-04-084
174-276-060	AMD-P	97-09-084	180-77-025	AMD-P	97-20-134	180-78A-160	AMD-P	97-20-133
174-276-060	AMD	97-13-047	180-77-031	AMD	97-04-085	180-78A-165	NEW	97-04-084
174-276-080	AMD-P	97-09-084	180-77-031	AMD-P	97-20-134	180-78A-195	NEW	97-04-084
174-276-080	AMD	97-13-047	180-77-041	AMD	97-04-085	180-78A-197	NEW	97-04-084
174-276-090	AMD-P	97-09-084	180-77-041	AMD-P	97-20-134	180-78A-201	NEW	97-04-084
174-276-090	AMD	97-13-047	180-77-120	AMD	97-04-085	180-78A-260	NEW	97-04-084
174-276-095	NEW-P	97-09-084	180-77-120	AMD-P	97-20-134	180-78A-263	NEW-P	97-20-133
174-276-095	NEW	97-13-047	180-77A-003	NEW	97-04-087	180-78A-265	NEW	97-04-084
180-16	PREP	97-10-014	180-77A-004	NEW	97-04-087	180-78A-265	PREP	97-14-104
180-16-002	AMD-P	97-20-142	180-77A-006	NEW	97-04-087	180-78A-265	AMD-P	97-20-149
180-16-221	AMD	97-04-083	180-77A-012	NEW	97-04-087	180-78A-266	NEW	97-04-084
180-16-221	AMD-P	97-20-142	180-77A-014	NEW	97-04-087	180-78A-300	NEW	97-04-084
180-16-222	AMD	97-04-083	180-77A-016	NEW	97-04-087	180-78A-301	NEW	97-04-084
180-16-223	REP	97-04-083	180-77A-018	NEW	97-04-087	180-78A-302	NEW	97-04-084
180-16-224	REP	97-04-083	180-77A-020	NEW	97-04-087	180-78A-302	NEW	97-04-084
180-16-236	PREP	97-10-008	180-77A-025	NEW	97-04-087	180-78A-303	NEW	97-04-084
180-18	PREP	97-21-116	180-77A-026	NEW	97-04-087	180-78A-304	NEW	97-04-084
180-22	PREP	97-21-117	180-77A-028	NEW	97-04-087	180-78A-305	NEW	97-04-084
180-24	PREP	97-09-032	180-77A-029	NEW	97-04-087	180-78A-306	NEW	97-04-084
180-24-410	AMD-P	97-13-096	180-77A-030	NEW	97-04-087	180-78A-320	NEW	97-04-084
180-24-410	AMD-W	97-14-023	180-77A-033	NEW	97-04-087	180-78A-340	NEW	97-04-084
180-24-410	AMD-P	97-16-071	180-77A-037	NEW	97-04-087	180-78A-345	NEW	97-04-084
180-24-410	AMD	97-21-069	180-77A-040	NEW	97-04-087	180-78A-350	NEW	97-04-084
180-24-415	AMD-P	97-13-096	180-77A-057	NEW	97-04-087	180-78A-355	NEW	97-04-084
180-24-415	AMD-W	97-14-023	180-77A-165	NEW	97-04-087	180-78A-360	NEW	97-04-084
180-24-415	AMD-P	97-16-071	180-77A-170	NEW	97-04-087	180-78A-365	NEW	97-04-084
180-24-415	AMD	97-21-069	180-77A-175	NEW	97-04-087	180-79-003	REP	97-04-088
180-27-056	PREP	97-09-115	180-77A-180	NEW	97-04-087	180-79-005	REP	97-04-088
180-33-025	PREP	97-09-116	180-77A-195	NEW	97-04-087	180-79-010	REP	97-04-088
180-34	PREP	97-17-066	180-78-205	AMD	97-04-081	180-79-031	REP	97-04-088
180-34	PREP	97-21-114	180-78-207	RECOD	97-04-081	180-79-032	REP	97-04-088
180-36	PREP	97-17-065	180-78-215	AMD	97-04-081	180-79-035	REP	97-04-088
180-36	PREP	97-21-115	180-78-217	RECOD	97-04-081	180-79-041	REP	97-04-088
180-39	PREP	97-21-118	180-78-235	AMD	97-04-081	180-79-045	REP	97-04-088
180-40-260	AMD-P	97-04-067	180-78-237	RECOD	97-04-081	180-79-047	REP	97-04-088
180-40-260	AMD	97-08-019	180-78-285	AMD	97-04-081	180-79-049	REP	97-04-088
180-40-310	AMD-P	97-04-067	180-78A	PREP	97-10-007	180-79-060	REP	97-04-088
180-40-310	AMD	97-08-019	180-78A	PREP	97-10-013	180-79-062	REP	97-04-088
180-51-050	AMD-P	97-04-066	180-78A-003	NEW	97-04-084	180-79-063	REP	97-04-088
180-51-050	AMD	97-08-020	180-78A-004	NEW	97-04-084	180-79-065	REP	97-04-088
180-56	PREP	97-21-119	180-78A-005	NEW	97-04-084	180-79-075	REP	97-04-088
180-57	PREP	97-21-113	180-78A-006	NEW	97-04-084	180-79-080	REP	97-04-088
180-58	PREP	97-21-120	180-78A-007	NEW	97-04-084	180-79-086	REP	97-04-088
180-59	PREP	97-21-112	180-78A-010	NEW	97-04-084	180-79-115	REP	97-04-088
180-75-003	REP	97-04-088	180-78A-010	NEW	97-04-084	180-79-117	REP	97-04-088
180-75-005	REP	97-04-088	180-78A-010	PREP	97-10-006	180-79-120	REP	97-04-088
180-75-016	REP	97-04-088	180-78A-010	AMD-P	97-20-150	180-79-121	REP	97-04-088
180-75-017	REP	97-04-088	180-78A-012	NEW	97-04-084	180-79-122	REP	97-04-088
180-75-045	REP	97-04-088	180-78A-015	NEW	97-04-084	180-79-123	REP	97-04-088
180-75-047	REP	97-04-088	180-78A-025	NEW	97-04-084	180-79-124	REP	97-04-088
180-75-048	REP	97-04-088	180-78A-026	NEW	97-04-084	180-79-125	REP	97-04-088
180-75-050	REP	97-04-088	180-78A-028	NEW	97-04-084	180-79-126	REP	97-04-088
180-75-055	REP	97-04-088	180-78A-030	NEW	97-04-084	180-79-127	REP	97-04-088
180-75-060	REP	97-04-088	180-78A-033	NEW	97-04-084	180-79-128	REP	97-04-088
			180-78A-037	NEW	97-04-084	180-79-131	DECOD	97-04-081

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-79-136	DECOD	97-04-081	180-79A-115	NEW	97-04-088	180-79A-382	NEW	97-04-088
180-79-140	DECOD	97-04-081	180-79A-117	NEW	97-04-088	180-79A-384	NEW	97-04-088
180-79-230	REP	97-04-088	180-79A-120	NEW	97-04-088	180-79A-386	NEW	97-04-088
180-79-236	REP	97-04-088	180-79A-122	NEW	97-04-088	180-79A-388	NEW	97-04-088
180-79-241	REP	97-04-088	180-79A-125	NEW	97-04-088	180-79A-390	NEW	97-04-088
180-79-245	REP	97-04-088	180-79A-126	NEW	97-04-088	180-79A-392	NEW	97-04-088
180-79-247	REP	97-04-088	180-79A-130	NEW	97-04-088	180-79A-394	NEW	97-04-088
180-79-300	REP	97-04-088	180-79A-131	NEW	97-04-088	180-79A-396	NEW	97-04-088
180-79-303	REP	97-04-088	180-79A-140	NEW	97-04-088	180-79A-398	NEW	97-04-088
180-79-305	REP	97-04-088	180-79A-150	NEW	97-04-088	180-79A-403	NEW	97-04-088
180-79-311	REP	97-04-088	180-79A-150	PREP	97-14-105	180-79A-405	NEW	97-04-088
180-79-312	REP	97-04-088	180-79A-150	AMD-P	97-20-148	180-79A-405	AMD-P	97-20-146
180-79-315	REP	97-04-088	180-79A-160	NEW	97-04-088	180-79A-415	NEW	97-04-088
180-79-317	REP	97-04-088	180-79A-161	NEW	97-04-088	180-79A-417	NEW	97-04-088
180-79-320	REP	97-04-088	180-79A-165	NEW	97-04-088	180-79A-420	NEW	97-04-088
180-79-322	REP	97-04-088	180-79A-170	NEW	97-04-088	180-79A-422	NEW	97-04-088
180-79-324	REP	97-04-088	180-79A-170	AMD-P	97-20-146	180-79A-423	NEW	97-04-088
180-79-326	REP	97-04-088	180-79A-200	NEW	97-04-088	180-79A-424	NEW	97-04-088
180-79-328	REP	97-04-088	180-79A-205	NEW	97-04-088	180-79A-430	NEW	97-04-088
180-79-330	REP	97-04-088	180-79A-210	NEW	97-04-088	180-79A-433	NEW	97-04-088
180-79-332	REP	97-04-088	180-79A-215	NEW	97-04-088	180-79A-433	AMD-P	97-20-146
180-79-333	REP	97-04-088	180-79A-220	NEW	97-04-088	180-79A-435	NEW	97-04-088
180-79-334	REP	97-04-088	180-79A-225	NEW	97-04-088	180-79A-440	NEW	97-04-088
180-79-336	REP	97-04-088	180-79A-230	NEW	97-04-088	180-79A-445	NEW	97-04-088
180-79-338	REP	97-04-088	180-79A-230	PREP	97-10-009	180-79A-503	NEW	97-04-088
180-79-340	REP	97-04-088	180-79A-230	AMD-P	97-20-145	180-79A-510	NEW	97-04-088
180-79-342	REP	97-04-088	180-79A-236	NEW	97-04-088	180-79A-515	NEW	97-04-088
180-79-344	REP	97-04-088	180-79A-241	NEW	97-04-088	180-79A-517	NEW	97-04-088
180-79-346	REP	97-04-088	180-79A-300	NEW	97-04-088	180-79A-520	NEW	97-04-088
180-79-348	REP	97-04-088	180-79A-300	AMD-P	97-20-146	180-85	PREP	97-10-011
180-79-350	REP	97-04-088	180-79A-302	NEW	97-04-088	180-85-025	AMD	97-04-086
180-79-352	REP	97-04-088	180-79A-302	AMD-P	97-20-146	180-85-030	AMD	97-04-086
180-79-354	REP	97-04-088	180-79A-304	NEW	97-04-088	180-85-109	AMD-P	97-20-135
180-79-356	REP	97-04-088	180-79A-306	NEW	97-04-088	180-85-110	REP	97-04-086
180-79-358	REP	97-04-088	180-79A-308	NEW	97-04-088	180-85-115	REP	97-04-086
180-79-360	REP	97-04-088	180-79A-310	NEW	97-04-088	180-85-120	REP	97-04-086
180-79-362	REP	97-04-088	180-79A-311	NEW	97-04-088	180-85-135	REP	97-04-086
180-79-364	REP	97-04-088	180-79A-312	NEW	97-04-088	180-85-200	AMD	97-04-086
180-79-366	REP	97-04-088	180-79A-315	NEW	97-04-088	180-85-210	AMD	97-04-086
180-79-368	REP	97-04-088	180-79A-317	NEW	97-04-088	180-85-211	NEW	97-04-086
180-79-370	REP	97-04-088	180-79A-320	NEW	97-04-088	180-85-215	AMD	97-04-086
180-79-372	REP	97-04-088	180-79A-322	NEW	97-04-088	180-86-011	NEW	97-04-082
180-79-374	REP	97-04-088	180-79A-324	NEW	97-04-088	180-86-013	RECOD	97-04-082
180-79-376	REP	97-04-088	180-79A-326	NEW	97-04-088	180-86-014	RECOD	97-04-082
180-79-378	REP	97-04-088	180-79A-328	NEW	97-04-088	180-86-080	NEW	97-05-008
180-79-379	REP	97-04-088	180-79A-330	NEW	97-04-088	180-86-080	NEW-W	97-05-043
180-79-380	REP	97-04-088	180-79A-332	NEW	97-04-088	180-86-086	NEW-W	97-05-043
180-79-382	REP	97-04-088	180-79A-333	NEW	97-04-088	180-86-116	NEW	97-05-008
180-79-384	REP	97-04-088	180-79A-334	NEW	97-04-088	180-86-116	NEW-W	97-05-043
180-79-386	REP	97-04-088	180-79A-336	NEW	97-04-088	180-87-070	PREP	97-10-025
180-79-388	REP	97-04-088	180-79A-338	NEW	97-04-088	180-87-070	AMD-P	97-16-092
180-79-390	REP	97-04-088	180-79A-340	NEW	97-04-088	180-87-070	AMD	97-21-075
180-79-392	REP	97-04-088	180-79A-342	NEW	97-04-088	180-97	PREP	97-10-010
180-79-394	REP	97-04-088	180-79A-344	NEW	97-04-088	180-97-015	AMD-P	97-20-136
180-79-396	REP	97-04-088	180-79A-346	NEW	97-04-088	180-97-060	AMD-P	97-20-136
180-79-398	REP	97-04-088	180-79A-348	NEW	97-04-088	180-97-070	AMD-P	97-20-136
180-79A	PREP	97-09-015	180-79A-350	NEW	97-04-088	180-110	PREP	97-05-027
180-79A-003	NEW	97-04-088	180-79A-352	NEW	97-04-088	180-110-010	REP-P	97-13-017
180-79A-005	NEW	97-04-088	180-79A-354	NEW	97-04-088	180-110-010	REP	97-16-023
180-79A-010	NEW	97-04-088	180-79A-356	NEW	97-04-088	180-110-015	REP-P	97-13-017
180-79A-010	AMD-P	97-20-144	180-79A-358	NEW	97-04-088	180-110-015	REP	97-16-023
180-79A-012	NEW	97-04-088	180-79A-360	NEW	97-04-088	180-110-017	REP-P	97-13-017
180-79A-013	NEW	97-04-088	180-79A-362	NEW	97-04-088	180-110-017	REP	97-16-023
180-79A-015	NEW	97-04-088	180-79A-364	NEW	97-04-088	180-110-020	REP-P	97-13-017
180-79A-015	AMD-P	97-20-144	180-79A-366	NEW	97-04-088	180-110-020	REP	97-16-023
180-79A-020	NEW	97-04-088	180-79A-368	NEW	97-04-088	180-110-030	REP-P	97-13-017
180-79A-022	NEW	97-04-088	180-79A-370	NEW	97-04-088	180-110-030	REP	97-16-023
180-79A-022	AMD-P	97-20-144	180-79A-372	NEW	97-04-088	180-110-035	REP-P	97-13-017
180-79A-025	NEW	97-04-088	180-79A-374	NEW	97-04-088	180-110-035	REP	97-16-023
180-79A-101	NEW	97-04-088	180-79A-376	NEW	97-04-088	180-110-040	REP-P	97-13-017
180-79A-105	NEW	97-04-088	180-79A-378	NEW	97-04-088	180-110-040	REP	97-16-023
180-79A-105	PREP	97-21-111	180-79A-379	NEW	97-04-088	180-110-045	REP-P	97-13-017
180-79A-110	NEW	97-04-088	180-79A-380	NEW	97-04-088	180-110-045	REP	97-16-023

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-110-050	REP-P	97-13-017	182-04-055	AMD-P	97-17-107	182-25-020	AMD	97-15-00
180-110-050	REP	97-16-023	182-04-055	AMD	97-21-125	182-25-020	PREP	97-18-033
180-110-052	REP-P	97-13-017	182-04-060	AMD-P	97-17-107	182-25-030	AMD-E	97-06-069
180-110-052	REP	97-16-023	182-04-060	AMD	97-21-125	182-25-030	AMD-P	97-08-067
180-110-053	REP-P	97-13-017	182-04-065	REP-P	97-17-107	182-25-030	AMD-E	97-14-029
180-110-053	REP	97-16-023	182-04-065	REP	97-21-125	182-25-030	AMD	97-15-003
180-110-055	REP-P	97-13-017	182-04-070	AMD	97-21-125	182-25-030	PREP	97-18-033
180-110-055	REP	97-16-023	182-08-095	AMD-P	97-17-106	182-25-040	AMD-E	97-06-069
180-110-060	REP-P	97-13-017	182-08-095	AMD	97-21-126	182-25-040	AMD-P	97-08-067
180-110-060	REP	97-16-023	182-08-160	AMD-E	97-06-071	182-25-040	AMD-E	97-14-029
180-110-065	REP-P	97-13-017	182-08-160	AMD-E	97-14-031	182-25-040	AMD	97-15-003
180-110-065	REP	97-16-023	182-08-160	AMD-P	97-17-106	182-25-040	PREP	97-18-033
180-115	PREP	97-05-026	182-08-160	AMD	97-21-126	182-25-070	PREP	97-18-033
180-115-005	REP-P	97-13-016	182-08-160	AMD	97-21-126	182-25-080	PREP	97-18-033
180-115-005	REP	97-16-024	182-08-175	AMD-E	97-06-071	182-25-090	AMD-E	97-06-069
180-115-010	REP-P	97-13-016	182-08-175	AMD-E	97-14-031	182-25-090	AMD-P	97-08-067
180-115-010	REP	97-16-024	182-08-175	AMD-P	97-17-106	182-25-090	AMD-E	97-14-029
180-115-015	REP-P	97-13-016	182-08-175	AMD	97-21-126	182-25-090	AMD	97-15-003
180-115-015	REP	97-16-024	182-12-111	AMD-P	97-17-110	182-25-090	PREP	97-18-033
180-115-020	REP-P	97-13-016	182-12-111	AMD	97-21-127	182-25-100	PREP	97-18-033
180-115-020	REP	97-16-024	182-12-117	AMD-E	97-06-070	182-25-105	PREP	97-18-033
180-115-025	REP-P	97-13-016	182-12-117	AMD-E	97-14-030	192-12-030	PREP	97-21-131
180-115-025	REP	97-16-024	182-12-117	AMD-P	97-17-110	192-12-042	PREP	97-16-011
180-115-030	REP-P	97-13-016	182-12-117	AMD	97-21-127	192-12-072	PREP	97-16-012
180-115-030	REP	97-16-024	182-12-119	AMD-P	97-17-110	192-12-141	AMD-XA	97-19-087
180-115-035	REP-P	97-13-016	182-12-119	AMD	97-21-127	192-16-070	PREP	97-21-130
180-115-035	REP	97-16-024	182-12-132	AMD-P	97-17-110	192-23-018	AMD-XA	97-19-087
180-115-040	REP-P	97-13-016	182-12-132	AMD	97-21-127	192-32	AMD-E	97-15-022
180-115-040	REP	97-16-024	182-12-200	AMD-P	97-17-110	192-32	PREP	97-16-010
180-115-045	REP-P	97-13-016	182-12-200	AMD	97-21-127	192-32-001	AMD-E	97-15-022
180-115-045	REP	97-16-024	182-16-030	AMD-P	97-17-109	192-32-010	AMD-E	97-15-022
180-115-050	REP-P	97-13-016	182-16-030	AMD	97-21-128	192-32-015	REP-E	97-15-022
180-115-050	REP	97-16-024	182-16-040	AMD-P	97-17-109	192-32-025	REP-E	97-15-022
180-115-055	REP-P	97-13-016	182-16-040	AMD	97-21-128	192-32-035	AMD-E	97-15-022
180-115-055	REP	97-16-024	182-16-050	AMD-P	97-17-109	192-32-045	AMD-E	97-15-022
180-115-060	REP-P	97-13-016	182-16-050	AMD	97-21-128	192-32-065	AMD-E	97-15-022
180-115-060	REP	97-16-024	182-18-005	REP-P	97-17-108	192-32-095	AMD-E	97-15-022
180-115-065	REP-P	97-13-016	182-18-005	REP	97-21-129	192-32-100	NEW-E	97-15-022
180-115-065	REP	97-16-024	182-18-010	REP-P	97-17-108	192-32-105	AMD-E	97-15-022
180-115-075	REP-P	97-13-016	182-18-010	REP	97-21-129	192-32-120	REP-E	97-15-022
180-115-075	REP	97-16-024	182-18-020	REP-P	97-17-108	192-32-125	REP-E	97-15-022
180-115-080	REP-P	97-13-016	182-18-020	REP	97-21-129	192-32-130	NEW-E	97-15-022
180-115-080	REP	97-16-024	182-18-030	REP-P	97-17-108	192-32-135	NEW-E	97-15-022
180-115-081	REP-P	97-13-016	182-18-030	REP	97-21-129	192-33	PREP	97-16-010
180-115-081	REP	97-16-024	182-18-040	REP-P	97-17-108	192-33-005	NEW-E	97-14-022
180-115-085	REP-P	97-13-016	182-18-040	REP	97-21-129	192-33-006	NEW-E	97-14-022
180-115-085	REP	97-16-024	182-18-050	REP-P	97-17-108	194-10-010	PREP-XR	97-20-040
180-115-090	REP-P	97-13-016	182-18-050	REP	97-21-129	194-10-020	PREP-XR	97-20-040
180-115-090	REP	97-16-024	182-18-060	REP-P	97-17-108	194-10-030	PREP-XR	97-20-040
180-115-095	REP-P	97-13-016	182-18-060	REP	97-21-129	194-10-040	PREP-XR	97-20-040
180-115-095	REP	97-16-024	182-18-070	REP	97-21-129	194-10-050	PREP-XR	97-20-040
180-115-100	REP-P	97-13-016	182-18-080	REP-P	97-17-108	194-10-060	PREP-XR	97-20-040
180-115-100	REP	97-16-024	182-18-080	REP	97-21-129	194-10-070	PREP-XR	97-20-040
180-115-105	REP-P	97-13-016	182-18-090	REP-P	97-17-108	194-10-080	PREP-XR	97-20-040
180-115-105	REP	97-16-024	182-18-090	REP	97-21-129	194-10-090	PREP-XR	97-20-040
182-04-010	AMD-P	97-17-107	182-18-100	REP-P	97-17-108	194-10-100	PREP-XR	97-20-040
182-04-010	AMD	97-21-125	182-18-100	REP	97-21-129	194-10-110	PREP-XR	97-20-040
182-04-015	AMD-P	97-17-107	182-18-110	REP-P	97-17-108	194-10-120	PREP-XR	97-20-040
182-04-015	AMD	97-21-125	182-18-110	REP	97-21-129	194-10-130	PREP-XR	97-20-040
182-04-025	AMD-P	97-17-107	182-18-120	REP-P	97-17-108	194-10-140	PREP-XR	97-20-040
182-04-025	AMD	97-21-125	182-18-120	REP	97-21-129	196-08	PREP	97-19-038
182-04-030	REP-P	97-17-107	182-18-130	REP-P	97-17-108	196-12-010	PREP	97-03-029
182-04-030	REP	97-21-125	182-18-130	REP	97-21-129	196-12-020	PREP	97-03-029
182-04-035	AMD-P	97-17-107	182-18-140	REP-P	97-17-108	196-12-030	PREP	97-03-029
182-04-035	AMD	97-21-125	182-18-140	REP	97-21-129	196-12-050	PREP	97-03-029
182-04-040	AMD-P	97-17-107	182-18-150	REP-P	97-17-108	196-12-060	PREP	97-03-029
182-04-040	AMD	97-21-125	182-18-150	REP	97-21-129	196-24-030	PREP	97-03-029
182-04-041	NEW-P	97-17-107	182-18-160	REP-P	97-17-108	196-24-040	PREP	97-03-029
182-04-041	NEW	97-21-125	182-18-160	REP	97-21-129	196-24-050	PREP	97-03-029
182-04-045	AMD-P	97-17-107	182-25-010	AMD-P	97-08-067	196-24-085	PREP	97-03-029
182-04-045	AMD	97-21-125	182-25-010	AMD	97-15-003	196-24-100	PREP	97-03-029
182-04-050	AMD-P	97-17-107	182-25-010	PREP	97-18-033	196-24-105	PREP	97-03-029
182-04-050	AMD	97-21-125	182-25-020	AMD-P	97-08-067	197-11	PREP	97-03-130

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
97-11	AMD-C	97-15-129	204-10-020	PREP	97-19-050	204-91A-060	AMD	97-08-021
197-11-055	AMD-P	97-08-085	204-10-035	NEW	97-03-087	204-91A-140	AMD-S	97-04-053
197-11-055	AMD	97-21-030	204-10-045	PREP	97-03-042	204-91A-140	AMD-E	97-04-056
197-11-060	AMD-P	97-08-085	204-10-045	NEW-P	97-07-036	204-91A-140	AMD	97-08-021
197-11-060	AMD	97-21-030	204-10-045	NEW	97-10-024	204-95-030	NEW	97-03-127
197-11-070	AMD-P	97-08-085	204-10-070	PREP	97-19-050	204-95-080	NEW	97-03-127
197-11-070	AMD	97-21-030	204-10-090	PREP	97-19-050	208-440-030	AMD-W	97-03-074
197-11-158	NEW-P	97-08-085	204-10-100	PREP	97-19-050	208-444-020	NEW-XA	97-19-006
197-11-158	NEW	97-21-030	204-10-110	PREP	97-19-050	208-444-030	NEW-XA	97-19-006
197-11-164	NEW-P	97-08-085	204-10-130	PREP	97-19-050	208-444-040	NEW-XA	97-19-006
197-11-164	NEW	97-21-030	204-10-140	PREP	97-19-050	208-444-050	NEW-XA	97-19-006
197-11-168	NEW-P	97-08-085	204-10-150	PREP	97-19-050	208-630-020	AMD-P	97-06-092
197-11-168	NEW	97-21-030	204-41-060	PREP	97-03-043	208-630-020	AMD	97-09-035
197-11-172	NEW-P	97-08-085	204-41-060	NEW-P	97-07-037	208-630-021	NEW-P	97-06-092
197-11-172	NEW	97-21-030	204-41-060	NEW	97-10-023	208-630-021	NEW	97-09-035
197-11-210	AMD-P	97-08-085	204-48-010	PREP-X	97-14-041	208-630-022	NEW-P	97-06-092
197-11-210	AMD	97-21-030	204-48-010	REP	97-17-061	208-630-022	NEW	97-09-035
197-11-238	NEW-P	97-08-085	204-48-020	PREP-X	97-14-041	208-630-023	NEW-P	97-06-092
197-11-238	NEW	97-21-030	204-48-020	REP	97-17-061	208-630-023	NEW	97-09-035
197-11-259	AMD-P	97-08-085	204-48-030	PREP-X	97-14-041	208-680D-050	AMD-W	97-04-071
197-11-259	AMD	97-21-030	204-48-030	REP	97-17-061	212-17	PREP	97-05-028
197-11-300	AMD-P	97-08-085	204-48-040	PREP-X	97-14-041	212-17	PREP	97-13-073
197-11-300	AMD	97-21-030	204-48-040	REP	97-17-061	212-17-185	AMD-E	97-11-023
197-11-310	AMD-P	97-08-085	204-56-015	PREP-XR	97-20-072	212-17-185	RESCIND	97-11-041
197-11-310	AMD	97-21-030	204-56-025	PREP-XR	97-20-072	212-17-185	AMD-E	97-11-041
197-11-315	AMD-P	97-08-085	204-56-035	PREP-XR	97-20-072	212-17-185	RESCIND	97-14-019
197-11-315	AMD	97-21-030	204-56-045	PREP-XR	97-20-072	212-17-185	AMD-E	97-14-019
197-11-330	AMD-P	97-08-085	204-56-055	PREP-XR	97-20-072	212-17-185	AMD-P	97-16-120
197-11-330	AMD	97-21-030	204-56-065	PREP-XR	97-20-072	212-17-190	REP-E	97-11-023
197-11-340	AMD-P	97-08-085	204-56-075	PREP-XR	97-20-072	212-17-190	RESCIND	97-11-041
197-11-340	AMD	97-21-030	204-56-085	PREP-XR	97-20-072	212-17-190	REP-E	97-11-041
197-11-355	NEW-P	97-08-085	204-56-99001	PREP-XR	97-20-072	212-17-190	RESCIND	97-14-019
197-11-355	NEW	97-21-030	204-56-99002	PREP-XR	97-20-072	212-17-190	REP-E	97-14-019
197-11-390	AMD-P	97-08-085	204-56-99003	PREP-XR	97-20-072	212-17-195	REP-E	97-11-023
197-11-390	AMD	97-21-030	204-56-99004	PREP-XR	97-20-072	212-17-195	RESCIND	97-11-041
197-11-408	AMD-P	97-08-085	204-56-99005	PREP-XR	97-20-072	212-17-195	REP-E	97-11-041
197-11-408	AMD	97-21-030	204-56-99006	PREP-XR	97-20-072	212-17-195	RESCIND	97-14-019
197-11-502	AMD-P	97-08-085	204-56-99007	PREP-XR	97-20-072	212-17-195	REP-E	97-14-019
197-11-502	AMD	97-21-030	204-56-99008	PREP-XR	97-20-072	212-17-200	REP-E	97-11-023
197-11-508	AMD-P	97-08-085	204-56-99009	PREP-XR	97-20-072	212-17-200	RESCIND	97-11-041
197-11-508	AMD	97-21-030	204-56-99010	PREP-XR	97-20-072	212-17-200	REP-E	97-11-041
197-11-535	AMD-P	97-08-085	204-56-99011	PREP-XR	97-20-072	212-17-200	RESCIND	97-14-019
197-11-535	AMD	97-21-030	204-56-99012	PREP-XR	97-20-072	212-17-200	REP-E	97-14-019
197-11-600	AMD-P	97-08-085	204-56-99013	PREP-XR	97-20-072	212-17-203	REP-E	97-11-023
197-11-600	AMD	97-21-030	204-60	AMD	97-04-054	212-17-203	RESCIND	97-11-041
197-11-660	AMD-P	97-08-085	204-60-010	AMD	97-04-054	212-17-203	REP-E	97-11-041
197-11-660	AMD	97-21-030	204-60-030	AMD	97-04-054	212-17-203	RESCIND	97-14-019
197-11-680	AMD-P	97-08-085	204-64-010	PREP-X	97-14-040	212-17-203	REP-E	97-14-019
197-11-680	AMD	97-21-030	204-64-010	REP	97-17-060	212-17-205	REP-E	97-11-023
197-11-702	AMD-P	97-08-085	204-64-020	PREP-X	97-14-040	212-17-205	RESCIND	97-11-041
197-11-702	AMD	97-21-030	204-64-020	REP	97-17-060	212-17-205	REP-E	97-11-041
197-11-721	NEW-P	97-08-085	204-64-040	PREP-X	97-14-040	212-17-205	RESCIND	97-14-019
197-11-721	NEW	97-21-030	204-64-040	REP	97-17-060	212-17-205	REP-E	97-14-019
197-11-728	AMD-P	97-08-085	204-64-060	PREP-X	97-14-040	212-17-210	REP-E	97-11-023
197-11-728	AMD	97-21-030	204-64-060	REP	97-17-060	212-17-210	RESCIND	97-11-041
197-11-775	NEW-P	97-08-085	204-64-080	PREP-X	97-14-040	212-17-210	REP-E	97-11-041
197-11-775	NEW	97-21-030	204-64-080	REP	97-17-060	212-17-210	RESCIND	97-14-019
197-11-790	AMD-P	97-08-085	204-64-100	PREP-X	97-14-040	212-17-210	REP-E	97-14-019
197-11-790	AMD	97-21-030	204-64-100	REP	97-17-060	212-17-215	REP-E	97-11-023
197-11-800	AMD-P	97-08-085	204-72-030	PREP	97-19-017	212-17-215	RESCIND	97-11-041
197-11-800	AMD	97-21-030	204-72-040	PREP	97-06-100	212-17-215	REP-E	97-11-041
197-11-912	AMD-P	97-08-085	204-72-040	AMD-P	97-09-069	212-17-215	RESCIND	97-14-019
197-11-912	AMD	97-21-030	204-72-040	AMD	97-12-061	212-17-215	REP-E	97-14-019
197-11-914	AMD-P	97-08-085	204-72-040	PREP	97-19-017	212-17-21503	NEW-E	97-11-023
197-11-914	AMD	97-21-030	204-90	PREP	97-17-059	212-17-21503	RESCIND	97-11-041
197-11-938	AMD-P	97-08-085	204-90-030	AMD-P	97-21-021	212-17-21503	NEW-E	97-11-041
197-11-938	AMD	97-21-030	204-90-040	AMD	97-04-055	212-17-21503	RESCIND	97-14-019
197-11-940	AMD-P	97-08-085	204-90-040	AMD-P	97-21-021	212-17-21503	NEW-E	97-14-019
197-11-940	AMD	97-21-030	204-90-070	AMD-P	97-21-021	212-17-21503	NEW-P	97-16-120
197-11-948	AMD-P	97-08-085	204-90-120	AMD-P	97-21-021	212-17-21505	NEW-E	97-11-023
197-11-948	AMD	97-21-030	204-90-140	AMD-P	97-21-021	212-17-21505	RESCIND	97-11-041
197-11-970	AMD-P	97-08-085	204-91A-060	AMD-S	97-04-053	212-17-21505	NEW-E	97-11-041
197-11-970	AMD	97-21-030	204-91A-060	AMD-E	97-04-056	212-17-21505	RESCIND	97-14-019

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
212-17-21505	NEW-E	97-14-019	220-32-05500D	REP-E	97-12-069	220-44-05000G	NEW-E	97-14-05
212-17-21505	NEW-P	97-16-120	220-32-05500D	REP-E	97-13-007	220-44-05000G	REP-E	97-14-05
212-17-21507	NEW-E	97-11-023	220-32-05500E	NEW-E	97-13-007	220-44-05000H	NEW-E	97-18-005
212-17-21507	RESCIND	97-11-041	220-32-05500E	REP-E	97-13-007	220-44-05000H	REP-E	97-20-116
212-17-21507	NEW-E	97-11-041	220-32-05500F	NEW-E	97-13-029	220-44-05000I	NEW-E	97-20-116
212-17-21507	RESCIND	97-14-019	220-32-05500F	REP-E	97-13-049	220-44-05000I	REP-E	97-21-067
212-17-21507	NEW-E	97-14-019	220-32-05500G	NEW-E	97-13-049	220-44-05000J	NEW-E	97-21-067
212-17-21507	NEW-P	97-16-120	220-32-05500G	REP-E	97-14-035	220-47-301	AMD-P	97-09-104
212-17-21509	NEW-E	97-11-023	220-32-05500H	NEW-E	97-14-035	220-47-301	AMD	97-16-030
212-17-21509	RESCIND	97-11-041	220-32-05500H	REP-E	97-15-007	220-47-302	AMD-P	97-09-104
212-17-21509	NEW-E	97-11-041	220-32-05500I	NEW-E	97-15-007	220-47-302	AMD	97-16-030
212-17-21509	RESCIND	97-14-019	220-32-05500I	REP-E	97-15-118	220-47-304	AMD-P	97-09-104
212-17-21509	NEW-E	97-14-019	220-32-05500J	NEW-E	97-15-118	220-47-304	AMD	97-16-030
212-17-21509	NEW-P	97-16-120	220-32-05500J	REP-E	97-17-072	220-47-307	AMD-P	97-09-104
212-17-21511	NEW-E	97-11-023	220-32-05500K	NEW-E	97-17-072	220-47-307	AMD	97-16-030
212-17-21511	RESCIND	97-11-041	220-32-05700U	REP-E	97-03-002	220-47-311	AMD-P	97-09-104
212-17-21511	NEW-E	97-11-041	220-32-05700U	NEW-E	97-03-002	220-47-311	AMD	97-16-030
212-17-21511	RESCIND	97-14-019	220-32-05700V	REP-E	97-09-009	220-47-319	AMD-P	97-09-104
212-17-21511	NEW-E	97-14-019	220-32-05700V	NEW-E	97-09-009	220-47-319	AMD	97-16-030
212-17-21511	NEW-P	97-16-120	220-32-05700V	REP-E	97-13-048	220-47-325	NEW-P	97-09-096
212-17-21513	NEW-E	97-11-023	220-32-05700W	NEW-E	97-13-048	220-47-325	NEW	97-16-030
212-17-21513	RESCIND	97-14-019	220-32-05700W	REP-E	97-13-048	220-47-326	NEW-P	97-09-096
212-17-21513	NEW-E	97-14-019	220-32-05700W	REP-E	97-14-020	220-47-326	NEW	97-16-032
212-17-21513	NEW-P	97-16-120	220-33-01000M	NEW-E	97-04-013	220-47-401	AMD-P	97-09-104
212-17-21515	NEW-E	97-11-023	220-33-01000M	REP-E	97-04-013	220-47-401	AMD	97-16-030
212-17-21515	RESCIND	97-11-041	220-33-01000N	NEW-E	97-05-042	220-47-40100A	NEW-E	97-20-069
212-17-21515	NEW-E	97-11-041	220-33-01000P	NEW-E	97-16-075	220-47-410	NEW-P	97-09-104
212-17-21515	RESCIND	97-14-019	220-33-01000P	REP-E	97-16-075	220-47-410	NEW	97-16-030
212-17-21515	NEW-E	97-14-019	220-33-01000Q	NEW-E	97-17-074	220-47-411	AMD-P	97-09-104
212-17-21515	NEW-P	97-16-120	220-33-01000Q	REP-E	97-17-074	220-47-411	AMD	97-16-030
212-17-21517	NEW-E	97-11-041	220-33-01000Q	REP-E	97-18-013	220-47-427	AMD-P	97-09-104
212-17-21517	RESCIND	97-14-019	220-33-01000R	NEW-E	97-18-013	220-47-427	AMD	97-16-030
212-17-21517	NEW-E	97-14-019	220-33-01000R	REP-E	97-20-035	220-47-428	AMD-P	97-09-104
212-17-21517	NEW-P	97-16-120	220-33-01000S	NEW-E	97-20-035	220-47-428	AMD	97-16-030
212-17-21519	NEW-E	97-11-023	220-33-01000S	REP-E	97-21-014	220-47-800	NEW-E	97-15-006
212-17-21519	RESCIND	97-11-041	220-33-01000T	NEW-E	97-21-014	220-47-801	NEW-E	97-15-006
212-17-21519	NEW-E	97-11-041	220-33-01000T	REP-E	97-21-068	220-47-801	REP-E	97-15-026
212-17-21519	NEW-P	97-14-019	220-33-01000U	NEW-E	97-21-068	220-47-802	NEW-E	97-15-095
212-17-21519	NEW-E	97-14-019	220-33-01000U	REP-E	97-21-083	220-47-802	REP-E	97-16-003
212-17-21519	NEW-P	97-16-120	220-33-01000V	NEW-E	97-21-083	220-47-803	NEW-E	97-16-003
212-17-21521	NEW-E	97-11-023	220-33-01000V	AMD-P	97-04-080	220-47-803	REP-E	97-16-031
212-17-21521	RESCIND	97-11-041	220-33-020	AMD	97-07-043	220-47-804	NEW-E	97-16-031
220-12-01000B	NEW-E	97-15-108	220-33-03000K	NEW-E	97-11-045	220-47-804	REP-E	97-16-068
220-16-470	NEW-P	97-15-147	220-33-03000K	REP-E	97-11-045	220-47-805	NEW-E	97-16-068
220-16-470	NEW	97-18-035	220-33-04000C	NEW-E	97-04-014	220-47-805	REP-E	97-17-003
220-16-47000A	NEW-E	97-14-052	220-33-04000C	REP-E	97-05-041	220-47-806	NEW-E	97-17-003
220-16-47000A	REP-E	97-14-052	220-33-04000D	NEW-E	97-05-041	220-47-806	REP-E	97-17-019
220-20-020	AMD-P	97-04-080	220-36-021	AMD-P	97-09-097	220-47-807	NEW-E	97-17-019
220-20-020	AMD	97-07-043	220-36-021	AMD	97-15-148	220-47-807	REP-E	97-17-032
220-20-021	AMD-P	97-04-080	220-36-02100M	NEW-E	97-16-058	220-47-808	NEW-E	97-17-032
220-20-021	AMD	97-07-043	220-36-023	AMD-P	97-09-097	220-47-808	REP-E	97-17-057
220-20-038	AMD	97-08-078	220-36-023	AMD	97-15-148	220-47-809	NEW-E	97-17-057
220-24-02000D	NEW-E	97-10-029	220-36-02300U	NEW-E	97-19-039	220-47-809	REP-E	97-18-012
220-24-02000D	REP-E	97-10-029	220-36-02300U	REP-E	97-19-039	220-47-810	NEW-E	97-18-012
220-32-05100A	NEW-E	97-18-060	220-36-02300V	NEW-E	97-19-080	220-47-810	REP-E	97-18-018
220-32-05100A	REP-E	97-18-060	220-36-02300V	REP-E	97-19-080	220-47-811	NEW-E	97-18-018
220-32-05100B	NEW-E	97-19-028	220-36-02300W	NEW-E	97-20-034	220-47-811	REP-E	97-18-059
220-32-05100B	REP-E	97-19-028	220-36-02300W	REP-E	97-20-034	220-47-812	NEW-E	97-18-059
220-32-05100C	NEW-E	97-19-085	220-40-021	AMD-P	97-09-097	220-47-812	REP-E	97-19-003
220-32-05100C	REP-E	97-19-085	220-40-021	AMD	97-15-148	220-47-813	NEW-E	97-19-003
220-32-05100X	NEW-E	97-04-046	220-40-02100V	NEW-E	97-16-058	220-47-813	REP-E	97-19-016
220-32-05100X	REP-E	97-04-046	220-40-027	AMD-P	97-09-097	220-47-814	NEW-E	97-19-016
220-32-05100Y	NEW-E	97-07-044	220-40-027	AMD	97-15-148	220-47-814	REP-E	97-19-040
220-32-05100Z	NEW-E	97-17-073	220-40-02700P	NEW-E	97-16-058	220-47-815	NEW-E	97-19-040
220-32-05100Z	REP-E	97-17-073	220-40-02700P	REP-E	97-18-067	220-47-815	REP-E	97-19-052
220-32-05500B	NEW-E	97-08-007	220-40-02700Q	NEW-E	97-18-067	220-47-816	NEW-E	97-19-052
220-32-05500B	REP-E	97-08-007	220-40-02700Q	REP-E	97-18-067	220-47-816	REP-E	97-20-022
220-32-05500B	REP-E	97-12-036	220-40-02700R	NEW-E	97-21-007	220-47-817	NEW-E	97-20-022
220-32-05500C	NEW-E	97-12-036	220-40-02700R	REP-E	97-21-007	220-47-817	REP-E	97-20-022
220-32-05500C	REP-E	97-12-036	220-44-05000E	REP-E	97-10-021	220-47-818	NEW-E	97-21-084
220-32-05500C	REP-E	97-12-069	220-44-05000F	NEW-E	97-10-021	220-48-015	AMD	97-07-053
220-32-05500D	NEW-E	97-12-069	220-44-05000F	REP-E	97-14-054	220-48-01500C	NEW-E	97-17-018

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-48-06100A	NEW-E	97-15-108	220-56-19100Y	NEW-E	97-19-004	220-56-38000K	REP-E	97-18-061
220-49-02000J	NEW-E	97-14-086	220-56-19100Y	REP-E	97-20-005	220-57	AMD-C	97-05-075
220-49-02000J	REP-E	97-14-086	220-56-19100Y	REP-E	97-20-070	220-57-12700A	NEW-E	97-18-055
220-52-03000K	NEW-E	97-07-050	220-56-19100Z	NEW-E	97-20-070	220-57-12700A	REP-E	97-20-004
220-52-03000K	REP-E	97-07-050	220-56-19100Z	REP-E	97-20-070	220-57-12700B	NEW-E	97-20-004
220-52-040	AMD	97-08-052	220-56-195	AMD-P	97-15-147	220-57-130	AMD-P	97-15-147
220-52-04000D	NEW-E	97-05-029	220-56-195	AMD	97-18-035	220-57-130	AMD	97-18-035
220-52-04000E	NEW-E	97-20-068	220-56-19500B	NEW-E	97-09-068	220-57-13000V	NEW-E	97-14-052
220-52-046	AMD	97-08-052	220-56-19500B	REP-E	97-14-052	220-57-13000V	REP-E	97-14-052
220-52-04600T	NEW-E	97-05-029	220-56-19500C	NEW-E	97-14-052	220-57-135	AMD-P	97-15-147
220-52-04600T	REP-E	97-06-054	220-56-19500C	REP-E	97-14-052	220-57-135	AMD	97-18-035
220-52-04600U	NEW-E	97-06-054	220-56-205	AMD	97-07-078	220-57-13500T	NEW-E	97-14-052
220-52-04600V	NEW-E	97-20-068	220-56-205	AMD-P	97-15-147	220-57-13500T	REP-E	97-14-052
220-52-050	AMD-W	97-14-080	220-56-205	AMD	97-18-035	220-57-137	AMD-P	97-15-147
220-52-07100A	NEW-E	97-14-028	220-56-205	AMD	97-14-052	220-57-137	AMD	97-18-035
220-52-07100A	REP-E	97-15-023	220-56-20500B	NEW-E	97-14-052	220-57-13701	NEW-P	97-15-147
220-52-07100B	NEW-E	97-15-023	220-56-20500B	REP-E	97-14-052	220-57-13701	NEW	97-18-035
220-52-07100B	REP-E	97-15-117	220-56-225	AMD-C	97-07-052	220-57-13700D	NEW-E	97-14-052
220-52-07100C	NEW-E	97-15-117	220-56-225	AMD	97-09-066	220-57-13700D	REP-E	97-14-052
220-52-07100C	REP-E	97-16-016	220-56-235	AMD	97-07-078	220-57-140	AMD-P	97-15-147
220-52-07100D	NEW-E	97-16-016	220-56-240	AMD	97-08-017	220-57-140	AMD	97-18-035
220-52-07100D	REP-E	97-16-069	220-56-240	AMD-W	97-14-079	220-57-140	AMD	97-18-035
220-52-07100E	NEW-E	97-16-069	220-56-24000A	NEW-E	97-15-108	220-57-14000R	NEW-E	97-09-068
220-52-07300L	REP-E	97-03-045	220-56-24000A	REP-E	97-18-055	220-57-14000R	REP-E	97-14-052
220-52-07300M	NEW-E	97-03-045	220-56-24000B	NEW-E	97-18-055	220-57-14000S	NEW-E	97-14-052
220-52-07300M	REP-E	97-03-101	220-56-24000F	REP-E	97-03-001	220-57-14000S	REP-E	97-14-052
220-52-07300N	NEW-E	97-03-101	220-56-24000G	NEW-E	97-03-001	220-57-155	AMD-P	97-15-147
220-52-07300N	REP-E	97-04-011	220-56-255	AMD	97-07-078	220-57-155	AMD	97-18-035
220-52-07300P	NEW-E	97-04-011	220-56-25500E	NEW-E	97-11-031	220-57-15500B	NEW-E	97-09-068
220-52-07300P	REP-E	97-04-049	220-56-25500E	REP-E	97-11-061	220-57-15500B	REP-E	97-14-052
220-52-07300Q	NEW-E	97-04-049	220-56-25500F	NEW-E	97-11-061	220-57-15500D	NEW-E	97-14-052
220-52-07300Q	REP-E	97-05-025	220-56-25500F	REP-E	97-16-057	220-57-15500D	REP-E	97-14-052
220-52-07300R	NEW-E	97-05-025	220-56-25500G	NEW-E	97-16-057	220-57-160	AMD	97-07-078
220-52-075	AMD	97-08-052	220-56-27000A	NEW-E	97-06-035	220-57-160	AMD-P	97-15-147
220-56	AMD-C	97-05-075	220-56-28500I	NEW-E	97-06-036	220-57-160	AMD	97-18-035
220-56-100	AMD	97-07-078	220-56-28500I	REP-E	97-06-036	220-57-16000H	NEW-E	97-06-036
220-56-103	AMD	97-07-078	220-56-28500J	NEW-E	97-09-001	220-57-16000I	NEW-E	97-09-008
220-56-105	AMD	97-07-078	220-56-28500K	NEW-E	97-10-063	220-57-16000J	NEW-E	97-14-052
220-56-115	AMD-W	97-10-075	220-56-28500L	NEW-E	97-14-053	220-57-16000J	REP-E	97-14-052
220-56-11800A	NEW-E	97-15-108	220-56-28500L	REP-E	97-18-034	220-57-165	AMD-P	97-17-105
220-56-124	AMD-P	97-15-147	220-56-28500M	NEW-E	97-18-034	220-57-165	AMD	97-20-071
220-56-124	AMD	97-18-035	220-56-305	AMD	97-08-018	220-57-16500A	NEW-E	97-14-052
220-56-12400C	NEW-E	97-20-005	220-56-305	AMD-W	97-10-075	220-57-16500A	REP-E	97-14-052
220-56-12400C	REP-E	97-20-005	220-56-310	AMD	97-10-075	220-57-175	AMD-P	97-15-147
220-56-128	AMD	97-07-078	220-56-31000N	REP-E	97-05-011	220-57-175	AMD	97-18-035
220-56-12800A	NEW-E	97-10-043	220-56-31000P	NEW-E	97-05-011	220-57-17500G	NEW-E	97-06-036
220-56-180	AMD	97-07-078	220-56-31000P	REP-E	97-10-065	220-57-17500H	NEW-E	97-14-052
220-56-18000A	NEW-E	97-15-080	220-56-315	AMD-W	97-10-075	220-57-17500H	REP-E	97-14-052
220-56-190	AMD-P	97-15-147	220-56-320	AMD	97-07-078	220-57-187	NEW-P	97-17-105
220-56-190	AMD	97-18-035	220-56-325	AMD	97-07-078	220-57-187	NEW	97-20-071
220-56-19000I	NEW-E	97-14-052	220-56-32500L	NEW-E	97-09-033	220-57-18700A	NEW-E	97-14-052
220-56-19000I	REP-E	97-14-052	220-56-32500M	NEW-E	97-10-070	220-57-18700A	REP-E	97-14-052
220-56-19000I	REP-E	97-15-119	220-56-32500M	REP-E	97-12-037	220-57-190	AMD-P	97-15-147
220-56-19000J	NEW-E	97-15-119	220-56-32500N	NEW-E	97-11-011	220-57-190	AMD	97-18-035
220-56-19000J	REP-E	97-16-002	220-56-32500P	NEW-E	97-12-037	220-57-19000A	NEW-E	97-14-052
220-56-19000K	NEW-E	97-16-002	220-56-32500P	REP-E	97-12-037	220-57-19000A	REP-E	97-14-052
220-56-19000K	REP-E	97-16-067	220-56-32500Q	NEW-E	97-17-011	220-57-200	AMD-P	97-15-147
220-56-19000L	NEW-E	97-16-067	220-56-330	AMD	97-07-078	220-57-200	AMD	97-18-035
220-56-19000L	REP-E	97-17-012	220-56-336	NEW	97-07-078	220-57-20000L	NEW-E	97-14-052
220-56-19000M	NEW-E	97-17-012	220-56-350	AMD	97-07-078	220-57-20000L	REP-E	97-14-052
220-56-19000M	REP-E	97-17-031	220-56-35000P	NEW-E	97-12-009	220-57-230	AMD-P	97-15-147
220-56-19000N	NEW-E	97-17-031	220-56-35000P	REP-E	97-17-006	220-57-230	AMD	97-18-035
220-56-19000N	REP-E	97-18-055	220-56-35000Q	NEW-E	97-17-006	220-57-23000H	NEW-E	97-14-052
220-56-19000P	NEW-E	97-18-055	220-56-355	AMD	97-07-078	220-57-23000H	REP-E	97-14-052
220-56-191	AMD-P	97-15-147	220-56-36000S	NEW-E	97-21-023	220-57-235	AMD-P	97-15-147
220-56-191	AMD	97-18-035	220-56-36000S	REP-E	97-21-023	220-57-235	AMD	97-18-035
220-56-19100V	NEW-E	97-09-068	220-56-36000T	NEW-E	97-04-045	220-57-23500I	NEW-E	97-14-052
220-56-19100V	REP-E	97-14-052	220-56-36000T	REP-E	97-04-045	220-57-23500I	REP-E	97-14-052
220-56-19100W	NEW-E	97-14-052	220-56-36000U	NEW-E	97-07-051	220-57-240	AMD-P	97-15-147
220-56-19100W	REP-E	97-14-052	220-56-36000U	REP-E	97-07-051	220-57-240	AMD	97-18-035
220-56-19100W	REP-E	97-17-025	220-56-375	AMD	97-07-078	220-57-250	AMD-P	97-15-147
220-56-19100X	NEW-E	97-17-025	220-56-380	AMD	97-07-078	220-57-250	AMD	97-18-035
220-56-19100X	REP-E	97-19-004	220-56-38000I	NEW-E	97-17-006	220-57-25000A	NEW-E	97-12-035
			220-56-38000K	NEW-E	97-18-061	220-57-25000A	REP-E	97-14-052

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-57-25000C	NEW-E	97-14-052	220-57-43500K	REP-E	97-14-052	220-77-065	NEW	97-08-07
220-57-25000C	REP-E	97-14-052	220-57-450	AMD-P	97-17-105	220-88A-070	AMD	97-08-05
220-57-255	AMD-P	97-15-147	220-57-450	AMD	97-20-071	220-88A-07000J	NEW-E	97-09-044
220-57-255	AMD	97-18-035	220-57-455	AMD-P	97-17-105	220-88A-07000J	REP-E	97-09-067
220-57-25500B	NEW-E	97-14-052	220-57-455	AMD	97-20-071	220-88A-07000K	NEW-E	97-09-067
220-57-25500B	REP-E	97-14-052	220-57-460	AMD-P	97-15-147	220-88A-07000K	REP-E	97-10-044
220-57-270	AMD-P	97-15-147	220-57-460	AMD	97-18-035	220-88A-07000L	NEW-E	97-10-044
220-57-270	AMD	97-18-035	220-57-46000D	NEW-E	97-09-068	220-88A-07000L	REP-E	97-10-081
220-57-27000C	NEW-E	97-09-068	220-57-46000D	REP-E	97-14-052	220-88A-07000M	NEW-E	97-10-081
220-57-27000C	REP-E	97-14-052	220-57-46000E	NEW-E	97-14-052	220-88A-07000M	REP-E	97-11-030
220-57-27000D	NEW-E	97-14-052	220-57-46000E	REP-E	97-14-052	220-88A-07000N	NEW-E	97-11-030
220-57-27000D	REP-E	97-14-052	220-57-465	AMD-P	97-15-147	220-88A-07000N	REP-E	97-11-046
220-57-27000D	REP-E	97-17-005	220-57-465	AMD	97-18-035	220-88A-07000P	NEW-E	97-11-046
220-57-27000E	NEW-E	97-17-005	220-57-46500H	NEW-E	97-14-052	220-88A-07000P	REP-E	97-13-056
220-57-27000E	REP-E	97-17-005	220-57-46500H	REP-E	97-14-052	220-88A-07000Q	NEW-E	97-13-056
220-57-280	AMD-P	97-15-147	220-57-480	AMD-P	97-15-147	220-88A-080	AMD	97-08-052
220-57-280	AMD	97-18-035	220-57-480	AMD	97-18-035	220-88A-08000J	NEW-E	97-09-044
220-57-28000L	NEW-E	97-14-052	220-57-480	AMD	97-18-035	220-88A-08000J	REP-E	97-11-046
220-57-28000L	REP-E	97-14-052	220-57-48000A	NEW-E	97-12-035	220-88A-08000K	NEW-E	97-11-046
220-57-285	AMD-P	97-15-147	220-57-48000A	REP-E	97-14-052	220-88A-08000K	REP-E	97-15-024
220-57-285	AMD	97-18-035	220-57-48000B	NEW-E	97-14-052	220-88A-08000K	REP-E	97-15-024
220-57-28500Q	NEW-E	97-14-052	220-57-48000B	REP-E	97-14-052	220-88A-08000L	NEW-E	97-15-024
220-57-28500Q	REP-E	97-14-052	220-57-493	NEW-P	97-15-147	220-88A-08000L	REP-E	97-15-054
220-57-29000U	NEW-E	97-09-008	220-57-493	NEW	97-18-035	220-88A-08000M	NEW-E	97-15-054
220-57-300	AMD-P	97-15-147	220-57-49300A	NEW-E	97-14-052	220-88A-08000M	REP-E	97-15-081
220-57-300	AMD	97-18-035	220-57-49300A	REP-E	97-14-052	220-88A-08000N	NEW-E	97-15-081
220-57-30000A	NEW-E	97-14-052	220-57-495	AMD-P	97-15-147	220-88A-08000N	REP-E	97-17-017
220-57-30000A	REP-E	97-14-052	220-57-495	AMD	97-18-035	220-88A-08000P	NEW-E	97-17-017
220-57-310	AMD-P	97-15-147	220-57-49500C	NEW-E	97-14-052	220-88A-08000P	REP-E	97-18-053
220-57-310	AMD	97-18-035	220-57-49500C	REP-E	97-14-052	220-88A-08000Q	NEW-E	97-18-053
220-57-31000U	NEW-E	97-06-036	220-57-50500Z	NEW-E	97-08-048	220-95-013	AMD-W	97-03-075
220-57-31000V	NEW-E	97-14-052	220-57-51500M	NEW-E	97-08-048	220-95-018	AMD-W	97-03-075
220-57-31000V	REP-E	97-14-052	220-57-525	AMD-P	97-15-147	220-95-022	AMD-W	97-03-075
220-57-31000W	NEW-E	97-20-012	220-57-525	AMD	97-18-035	220-95-032	AMD-W	97-03-075
220-57-31500C	NEW-E	97-08-048	220-57-52500L	NEW-E	97-14-052	220-110-010	AMD-P	97-07-077
220-57-31500C	REP-E	97-09-001	220-57-52500L	REP-E	97-14-052	220-110-010	AMD	97-13-001
220-57-31500D	NEW-E	97-09-001	220-57A-145	AMD-P	97-15-147	220-110-020	AMD-P	97-07-077
220-57-319	AMD-P	97-15-147	220-57A-145	AMD	97-18-035	220-110-020	AMD	97-13-001
220-57-319	AMD	97-18-035	220-57A-175	AMD-P	97-15-147	220-110-031	NEW-P	97-07-077
220-57-31900M	NEW-E	97-09-008	220-57A-175	AMD	97-18-035	220-110-031	NEW	97-13-001
220-57-31900M	REP-E	97-12-035	220-69-240	AMD	97-08-052	220-110-035	AMD-P	97-07-077
220-57-31900N	NEW-E	97-12-035	220-69-2400F	NEW-E	97-14-028	220-110-035	AMD	97-13-001
220-57-31900N	REP-E	97-14-052	220-72-002	AMD	97-08-078	220-110-331	NEW-P	97-07-077
220-57-31900P	NEW-E	97-14-052	220-72-011	NEW	97-08-078	220-110-331	NEW	97-13-001
220-57-31000P	REP-E	97-14-052	220-72-013	REP	97-08-078	220-110-332	NEW-P	97-07-077
220-57-32100B	NEW-E	97-08-048	220-72-015	NEW	97-08-078	220-110-332	NEW	97-13-001
220-57-370	AMD-P	97-15-147	220-72-016	REP	97-08-078	220-110-333	NEW-P	97-07-077
220-57-370	AMD	97-18-035	220-72-019	REP	97-08-078	220-110-333	NEW	97-13-001
220-57-37000G	NEW-E	97-14-052	220-72-022	REP	97-08-078	220-110-334	NEW-P	97-07-077
220-57-37000G	REP-E	97-14-052	220-72-025	REP	97-08-078	220-110-334	NEW	97-13-001
220-57-37700A	NEW-E	97-09-068	220-72-028	REP	97-08-078	220-110-335	NEW-P	97-07-077
220-57-37700A	REP-E	97-14-052	220-72-031	REP	97-08-078	220-110-335	NEW	97-13-001
220-57-385	AMD-P	97-15-147	220-72-034	REP	97-08-078	220-110-336	NEW-P	97-07-077
220-57-385	AMD	97-18-035	220-72-037	REP	97-08-078	220-110-336	NEW	97-13-001
220-57-38500A	NEW-E	97-14-052	220-72-040	REP	97-08-078	220-110-337	NEW-P	97-07-077
220-57-38500A	REP-E	97-14-052	220-72-043	REP	97-08-078	220-110-337	NEW	97-13-001
220-57-38500Z	NEW-E	97-09-068	220-72-046	REP	97-08-078	220-110-338	NEW-P	97-07-077
220-57-38500Z	REP-E	97-14-052	220-72-049	REP	97-08-078	220-110-338	NEW	97-13-001
220-57-415	AMD-P	97-15-147	220-72-052	REP	97-08-078	220-130-020	AMD-W	97-09-040
220-57-415	AMD	97-18-035	220-72-055	REP	97-08-078	220-130-070	AMD-W	97-09-040
220-57-41500A	NEW-E	97-14-052	220-72-058	REP	97-08-078	220-140-010	AMD-W	97-09-040
220-57-41500A	REP-E	97-14-052	220-72-061	REP	97-08-078	220-140-010	AMD-W	97-14-078
220-57-425	AMD-P	97-15-147	220-72-064	REP	97-08-078	220-140-040	NEW-W	97-09-040
220-57-425	AMD	97-18-035	220-72-067	REP	97-08-078	220-140-040	NEW-W	97-14-078
220-57-42500C	NEW-E	97-14-052	220-72-070	AMD	97-08-078	222-08-035	AMD-XA	97-19-101
220-57-42500C	REP-E	97-14-052	220-72-073	AMD	97-08-078	222-10-040	AMD-XA	97-19-101
220-57-430	AMD-P	97-15-147	220-72-076	AMD	97-08-078	222-10-042	NEW-S	97-08-077
220-57-430	AMD	97-18-035	220-72-082	REP	97-08-078	222-10-042	NEW-S	97-11-074
220-57-43000H	NEW-E	97-14-052	220-72-085	AMD	97-08-078	222-10-042	NEW	97-15-105
220-57-43000H	REP-E	97-14-052	220-72-088	REP	97-08-078	222-12-040	AMD-XA	97-19-101
220-57-435	AMD-P	97-15-147	220-72-091	REP	97-08-078	222-12-046	AMD-XA	97-19-101
220-57-435	AMD	97-18-035	220-72-094	REP	97-08-078	222-12-050	AMD-XA	97-19-101
220-57-43500K	NEW-E	97-14-052	220-77-020	AMD	97-08-078	222-12-090	AMD-E	97-07-054
			220-77-040	AMD	97-08-078	222-12-090	AMD-S	97-08-077

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
222-12-090	AMD-S	97-11-074	230-02-415	AMD-P	97-21-102	230-20-600	AMD-P	97-03-093
222-12-090	AMD-P	97-15-042	230-02-425	NEW-P	97-21-102	230-20-600	AMD	97-09-073
222-12-090	AMD-E	97-15-070	230-02-520	AMD-P	97-03-093	230-20-630	AMD-P	97-03-093
222-12-090	AMD	97-15-105	230-02-520	AMD	97-09-073	230-20-630	AMD	97-09-073
222-12-090	AMD-XA	97-19-101	230-04-110	AMD-P	97-18-030	230-20-685	AMD-P	97-03-093
222-16-010	AMD-S	97-08-077	230-04-110	AMD	97-21-043	230-20-685	AMD	97-11-021
222-16-010	AMD-E	97-10-005	230-04-119	NEW-P	97-18-031	230-20-700	AMD-P	97-03-093
222-16-010	AMD-S	97-11-074	230-04-120	AMD-P	97-18-030	230-20-700	AMD-W	97-16-099
222-16-010	AMD	97-15-105	230-04-120	AMD	97-21-043	230-30-015	REP-P	97-09-075
222-16-010	AMD-XA	97-19-101	230-04-124	AMD-P	97-18-031	230-30-015	REP	97-14-015
222-16-030	PREP	97-05-033	230-04-125	AMD-P	97-11-017	230-30-016	REP-P	97-09-075
222-16-030	AMD-E	97-07-054	230-04-125	AMD-P	97-18-031	230-30-016	REP	97-14-015
222-16-030	AMD-P	97-15-042	230-04-138	AMD-P	97-03-093	230-30-018	REP-P	97-09-075
222-16-030	AMD-E	97-15-070	230-04-138	AMD	97-09-073	230-30-018	REP	97-14-015
222-16-030	AMD-XA	97-19-101	230-04-190	AMD-P	97-09-076	230-30-025	AMD-P	97-05-057
222-16-030	AMD-C	97-20-107	230-04-190	AMD	97-14-013	230-30-025	AMD-E	97-05-062
222-16-035	AMD-XA	97-19-101	230-04-202	AMD-P	97-09-077	230-30-025	AMD	97-11-019
222-16-050	AMD-XA	97-19-101	230-04-202	AMD	97-14-012	230-30-030	AMD-P	97-09-077
222-16-070	AMD-XA	97-19-101	230-04-202	AMD-P	97-19-082	230-30-030	AMD	97-14-012
222-16-080	AMD-S	97-08-077	230-04-203	AMD-P	97-09-077	230-30-040	AMD-P	97-09-077
222-16-080	AMD-E	97-10-005	230-04-203	AMD	97-14-012	230-30-040	AMD	97-14-012
222-16-080	AMD-S	97-11-074	230-04-203	AMD-P	97-19-082	230-30-045	NEW-P	97-15-092
222-16-080	AMD	97-15-105	230-04-204	AMD-P	97-19-082	230-30-045	NEW	97-19-083
222-16-080	AMD-XA	97-19-101	230-04-260	AMD-P	97-09-076	230-30-050	AMD-P	97-09-077
222-16-081	NEW-W	97-09-041	230-04-260	AMD	97-14-013	230-30-050	AMD	97-14-012
222-16-087	NEW-S	97-08-077	230-08-017	AMD-P	97-09-077	230-30-055	AMD-P	97-09-077
222-16-087	NEW-S	97-11-074	230-08-017	AMD	97-14-012	230-30-055	AMD	97-14-012
222-16-087	NEW	97-15-105	230-08-025	AMD-P	97-18-031	230-30-060	REP-P	97-09-075
222-16-100	AMD-S	97-11-074	230-08-040	AMD-P	97-09-077	230-30-060	REP	97-14-015
222-16-100	AMD	97-15-105	230-08-040	AMD	97-14-012	230-30-065	REP-P	97-09-075
222-16-105	AMD-S	97-11-074	230-08-060	AMD-P	97-03-093	230-30-065	REP	97-14-015
222-16-105	NEW	97-15-105	230-08-060	AMD	97-09-073	230-30-070	AMD-P	97-09-077
222-20-060	AMD-XA	97-19-101	230-08-070	AMD-P	97-20-041	230-30-070	AMD	97-14-012
222-22-020	AMD-XA	97-19-101	230-08-270	NEW-P	97-09-077	230-30-070	AMD-P	97-21-101
222-22-040	AMD-XA	97-19-101	230-08-270	NEW	97-14-012	230-30-072	AMD-P	97-09-077
222-22-050	AMD-XA	97-19-101	230-12-200	REP-P	97-11-018	230-30-072	AMD	97-14-012
222-22-080	AMD-XA	97-19-101	230-12-200	REP	97-20-026	230-30-075	REP-P	97-09-075
222-22-090	AMD-XA	97-19-101	230-12-215	AMD-W	97-08-071	230-30-075	REP	97-14-015
222-24-030	AMD-S	97-08-077	230-12-220	REP-P	97-18-031	230-30-080	AMD-P	97-09-077
222-24-030	AMD-S	97-11-074	230-12-223	NEW-P	97-18-031	230-30-080	AMD	97-14-012
222-24-030	AMD	97-15-105	230-12-225	AMD-P	97-18-031	230-30-080	AMD-P	97-21-101
222-24-030	AMD-XA	97-19-101	230-12-230	AMD-P	97-03-093	230-30-100	REP-P	97-09-075
222-24-040	AMD-XA	97-19-101	230-12-230	AMD	97-09-073	230-30-100	REP	97-14-015
222-24-050	AMD-XA	97-19-101	230-12-230	AMD-P	97-09-074	230-30-102	AMD-P	97-09-077
222-30-020	AMD-S	97-11-074	230-12-300	NEW-P	97-18-031	230-30-102	AMD	97-14-012
222-30-020	AMD	97-15-105	230-12-315	NEW-P	97-09-077	230-30-103	AMD-P	97-09-077
222-30-020	AMD-XA	97-19-101	230-12-315	NEW	97-14-012	230-30-103	AMD	97-14-012
222-30-050	AMD-S	97-08-077	230-12-320	NEW-P	97-11-017	230-30-104	AMD-P	97-09-077
222-30-050	AMD-S	97-11-074	230-12-320	NEW	97-20-026	230-30-104	AMD	97-14-012
222-30-050	AMD	97-15-105	230-12-330	NEW-P	97-11-017	230-30-105	REP-P	97-09-075
222-30-050	AMD-XA	97-19-101	230-12-330	NEW	97-20-026	230-30-105	REP	97-14-015
222-30-060	AMD-S	97-08-077	230-12-340	NEW-P	97-11-017	230-30-106	AMD-P	97-09-077
222-30-060	AMD-S	97-11-074	230-12-340	NEW	97-20-026	230-30-106	AMD	97-14-012
222-30-060	AMD	97-15-105	230-12-350	NEW-P	97-11-017	230-30-106	AMD-P	97-14-014
222-30-060	AMD-XA	97-19-101	230-12-350	NEW	97-20-026	230-30-110	REP-P	97-09-075
222-30-065	AMD-S	97-08-077	230-20-060	AMD-P	97-09-076	230-30-110	REP	97-14-015
222-30-065	AMD-S	97-11-074	230-20-060	AMD	97-14-013	230-30-130	REP-P	97-09-075
222-30-065	AMD	97-15-105	230-20-062	AMD-P	97-09-076	230-30-130	REP	97-14-015
222-30-070	AMD-S	97-08-077	230-20-062	AMD	97-14-013	230-30-200	REP-P	97-11-018
222-30-070	AMD-S	97-11-074	230-20-070	AMD-P	97-05-060	230-30-200	REP	97-20-028
222-30-070	AMD	97-15-105	230-20-070	AMD	97-11-020	230-30-210	AMD-P	97-09-077
222-30-070	AMD-XA	97-19-101	230-20-115	AMD-P	97-03-092	230-30-210	AMD	97-14-012
222-30-100	AMD-S	97-08-077	230-20-115	AMD	97-09-072	230-30-215	REP-P	97-09-075
222-30-100	AMD-S	97-11-074	230-20-192	AMD-P	97-15-093	230-30-215	REP	97-14-015
222-30-100	AMD	97-15-105	230-20-192	AMD	97-19-079	230-30-220	REP-P	97-18-031
222-30-100	AMD-XA	97-19-101	230-20-240	AMD	97-05-056	230-30-300	AMD-P	97-09-077
222-38-020	AMD-XA	97-19-101	230-20-240	AMD-P	97-15-093	230-30-300	AMD	97-14-012
222-46-030	AMD-XA	97-19-101	230-20-240	AMD	97-19-079	230-40-900	NEW-P	97-18-030
222-50-020	AMD-XA	97-19-101	230-20-242	AMD-P	97-09-076	230-40-900	NEW	97-21-043
230-02-020	AMD	97-03-094	230-20-242	AMD	97-14-013	230-40-999	REP-P	97-18-030
230-02-126	AMD-W	97-08-071	230-20-247	AMD	97-05-061	230-40-999	REP	97-21-043
230-02-205	NEW-P	97-18-031	230-20-325	AMD-W	97-13-059	230-50-005	NEW	97-03-095
230-02-206	NEW-P	97-18-031	230-20-325	AMD-P	97-20-041	230-50-010	AMD-P	97-09-076

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
230-50-010	AMD	97-14-013	232-28-251	REP-P	97-14-096	232-28-61900Q	REP-E	97-18-05
230-50-012	AMD-P	97-09-076	232-28-251	REP	97-18-027	232-28-61900R	NEW-E	97-20-01
230-50-012	AMD	97-14-013	232-28-252	AMD-P	97-06-118	232-28-61900S	NEW-E	97-20-013
232-12	AMD-C	97-05-075	232-28-252	AMD	97-12-051	232-28-61900T	REP-E	97-20-013
232-12-001	AMD	97-07-076	232-28-253	AMD-P	97-06-119	232-28-61900U	NEW-E	97-20-067
232-12-001	AMD-P	97-15-147	232-28-253	AMD	97-12-052	236-10-010	PREP-XR	97-20-111
232-12-001	AMD	97-18-035	232-28-254	AMD-P	97-06-120	236-10-015	PREP-XR	97-20-111
232-12-00100A	NEW-E	97-14-052	232-28-254	AMD	97-12-053	236-10-020	PREP-XR	97-20-111
232-12-00100A	REP-E	97-14-052	232-28-260	AMD	97-06-038	236-10-030	PREP-XR	97-20-111
232-12-011	AMD-P	97-06-115	232-28-260	AMD-P	97-06-121	236-10-040	PREP-XR	97-20-111
232-12-011	AMD	97-12-048	232-28-260	AMD	97-12-054	236-10-050	PREP-XR	97-20-111
232-12-011	AMD-P	97-14-090	232-28-260	AMD	97-06-039	236-10-060	PREP-XR	97-20-111
232-12-011	AMD	97-18-019	232-28-262	AMD	97-06-037	236-10-070	PREP-XR	97-20-111
232-12-014	AMD-P	97-14-090	232-28-264	NEW	97-06-045	236-10-080	PREP-XR	97-20-111
232-12-014	AMD	97-18-019	232-28-264	AMD-P	97-14-095	236-10-090	PREP-XR	97-20-111
232-12-018	AMD	97-07-076	232-28-264	AMD	97-18-021	236-10-100	PREP-XR	97-20-111
232-12-019	AMD-W	97-10-074	232-28-264	AMD	97-17-028	236-10-110	PREP-XR	97-20-111
232-12-024	AMD-W	97-06-084	232-28-26400A	NEW-E	97-17-028	236-18-010	NEW-P	97-21-124
232-12-061	AMD-P	97-14-091	232-28-265	REP-E	97-17-028	236-18-020	NEW-P	97-21-124
232-12-061	AMD	97-18-020	232-28-265	NEW	97-06-046	236-18-030	NEW-P	97-21-124
232-12-068	AMD-P	97-14-093	232-28-265	AMD-P	97-06-122	236-18-040	NEW-P	97-21-124
232-12-068	AMD	97-18-026	232-28-265	AMD	97-12-055	236-18-050	NEW-P	97-21-124
232-12-141	AMD-P	97-14-092	232-28-266	NEW	97-05-074	236-18-060	NEW-P	97-21-124
232-12-141	AMD-P	97-14-092	232-28-267	NEW-P	97-06-123	236-18-070	NEW-P	97-21-124
232-12-141	AMD-W	97-18-029	232-28-267	NEW-P	97-12-056	236-18-080	NEW-P	97-21-124
232-12-147	AMD-W	97-10-074	232-28-268	NEW	97-06-124	236-18-090	NEW-P	97-21-124
232-12-227	AMD-P	97-17-071	232-28-268	NEW	97-12-057	236-18-100	NEW-P	97-21-124
232-12-619	AMD	97-07-076	232-28-268	AMD-P	97-14-098	236-48-004	PREP-XR	97-21-002
232-12-619	AMD-P	97-15-147	232-28-268	AMD	97-18-024	236-48-198	AMD	97-04-025
232-12-619	AMD	97-18-035	232-28-269	NEW-P	97-06-125	236-48-240	PREP-XR	97-20-110
232-16-730	NEW-P	97-14-094	232-28-269	NEW	97-12-058	242-02-010	AMD	97-04-008
232-16-730	NEW	97-18-025	232-28-270	NEW-P	97-06-126	242-02-030	AMD	97-04-008
232-16-740	AMD-P	97-14-089	232-28-270	NEW	97-12-059	242-02-040	AMD	97-04-008
232-16-740	AMD	97-18-023	232-28-420	REP-P	97-14-096	242-02-060	AMD	97-04-008
232-16-74000C	NEW-E	97-17-029	232-28-420	REP	97-18-027	242-02-070	AMD	97-04-008
232-16-74000C	REP-E	97-17-029	232-28-421	NEW-P	97-14-097	242-02-074	AMD	97-04-008
232-16-780	NEW-P	97-14-094	232-28-421	NEW	97-18-022	242-02-110	AMD	97-04-008
232-16-780	NEW	97-18-025	232-28-42100A	NEW-E	97-19-005	242-02-130	AMD	97-04-008
232-16-790	NEW-P	97-14-094	232-28-514	REP-P	97-14-096	242-02-210	AMD	97-04-008
232-16-790	NEW	97-18-025	232-28-514	REP	97-18-027	242-02-220	AMD	97-04-008
232-16-800	NEW-P	97-14-094	232-28-515	NEW-P	97-14-099	242-02-250	AMD	97-04-008
232-16-800	NEW	97-18-025	232-28-515	NEW-W	97-18-029	242-02-260	AMD	97-04-008
232-28	AMD-C	97-05-075	232-28-51500A	NEW-E	97-17-027	242-02-270	AMD	97-04-008
232-28-02201	AMD	97-06-050	232-28-619	AMD	97-07-076	242-02-310	AMD	97-04-008
232-28-02202	AMD	97-06-049	232-28-619	AMD-P	97-15-147	242-02-510	AMD	97-04-008
232-28-02203	AMD	97-06-048	232-28-619	AMD	97-18-035	242-02-520	AMD	97-04-008
232-28-02204	AMD	97-06-044	232-28-61900A	REP-E	97-04-001	242-02-52001	NEW	97-04-008
232-28-02205	AMD	97-06-043	232-28-61900B	NEW-E	97-03-039	242-02-52002	NEW	97-04-008
232-28-02206	AMD	97-06-041	232-28-61900C	NEW-E	97-03-099	242-02-521	AMD	97-04-008
232-28-02210	AMD	97-06-042	232-28-61900C	REP-E	97-03-099	242-02-522	AMD	97-04-008
232-28-02220	AMD	97-06-059	232-28-61900D	NEW-E	97-03-100	242-02-532	AMD	97-04-008
232-28-02230	AMD	97-06-061	232-28-61900D	REP-E	97-03-100	242-02-533	AMD	97-04-008
232-28-02240	AMD	97-06-060	232-28-61900E	NEW-E	97-04-001	242-02-550	AMD	97-04-008
232-28-02250	AMD	97-06-058	232-28-61900F	NEW-E	97-06-034	242-02-554	REP	97-04-008
232-28-02260	AMD	97-06-057	232-28-61900F	REP-E	97-06-034	242-02-560	AMD	97-04-008
232-28-02270	AMD	97-06-056	232-28-61900F	REP-E	97-12-035	242-02-570	AMD	97-04-008
232-28-02280	AMD-W	97-06-084	232-28-61900G	NEW-E	97-07-056	242-02-634	AMD-W	97-04-009
232-28-02290	AMD	97-06-055	232-28-61900G	REP-E	97-07-056	242-02-650	AMD	97-04-008
232-28-02290	AMD-P	97-06-127	232-28-61900H	NEW-E	97-08-047	242-02-660	AMD	97-04-008
232-28-02290	AMD	97-12-060	232-28-61900H	REP-E	97-08-047	242-02-670	AMD	97-04-008
232-28-240	AMD	97-06-047	232-28-61900I	NEW-E	97-09-068	242-02-710	AMD	97-04-008
232-28-240	AMD-P	97-06-116	232-28-61900I	REP-E	97-14-052	242-02-820	REP	97-04-008
232-28-240	AMD	97-12-049	232-28-61900J	NEW-E	97-10-043	242-02-830	AMD	97-04-008
232-28-241	REP-P	97-14-096	232-28-61900K	NEW-E	97-12-035	242-02-832	NEW	97-04-008
232-28-241	REP	97-18-027	232-28-61900K	REP-E	97-14-052	242-02-834	NEW	97-04-008
232-28-242	AMD	97-06-053	232-28-61900L	NEW-E	97-14-052	242-02-840	REP	97-04-008
232-28-242	AMD-P	97-06-117	232-28-61900L	REP-E	97-14-052	242-02-850	REP	97-04-008
232-28-242	AMD	97-12-050	232-28-61900M	NEW-E	97-16-103	242-02-860	REP	97-04-008
232-28-246	REP-P	97-14-096	232-28-61900M	REP-E	97-16-103	242-02-870	REP	97-04-008
232-28-246	REP	97-18-027	232-28-61900M	REP-E	97-20-067	242-02-880	AMD	97-04-008
232-28-248	AMD	97-06-052	232-28-61900N	NEW-P	97-16-104	242-02-890	AMD-W	97-04-009
232-28-249	AMD	97-06-051	232-28-61900N	REP-P	97-16-104			
232-28-250	REP-P	97-14-096	232-28-61900P	NEW-E	97-18-002			
232-28-250	REP	97-18-027	232-28-61900Q	NEW-E	97-18-054			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
242-02-892	AMD	97-04-008	246-136-020	NEW-E	97-16-025	246-271-080	PREP-X	97-14-057
242-04-050	AMD	97-04-008	246-136-020	NEW-P	97-17-112	246-271-080	REP	97-20-100
246-08-400	AMD-P	97-09-092	246-136-030	NEW-E	97-16-025	246-271-110	PREP-X	97-14-057
246-08-400	AMD	97-12-087	246-136-030	NEW-P	97-17-112	246-280-040	PREP-X	97-14-057
246-10-102	AMD-P	97-08-092	246-136-040	NEW-E	97-16-025	246-280-040	REP	97-20-100
246-10-102	AMD	97-12-089	246-136-040	NEW-P	97-17-112	246-280-050	PREP-X	97-14-057
246-10-108	AMD-P	97-08-092	246-171-010	PREP-X	97-14-056	246-280-050	REP	97-20-100
246-10-108	AMD	97-12-089	246-171-010	REP	97-20-101	246-280-080	PREP-X	97-14-057
246-10-109	AMD-P	97-08-092	246-171-020	PREP-X	97-14-056	246-280-080	REP	97-20-100
246-10-109	AMD	97-12-089	246-171-020	REP	97-20-101	246-282-005	AMD-P	97-21-138
246-10-121	AMD-P	97-08-092	246-171-030	PREP-X	97-14-056	246-282-990	AMD-P	97-08-025
246-10-121	AMD	97-12-089	246-171-030	REP	97-20-101	246-282-990	AMD	97-12-031
246-10-122	AMD-P	97-08-092	246-171-040	PREP-X	97-14-056	246-290	PREP	97-18-006
246-10-122	AMD	97-12-089	246-171-040	REP	97-20-101	246-290-500	PREP-X	97-14-057
246-10-203	AMD-P	97-08-092	246-171-050	PREP-X	97-14-056	246-290-680	PREP-X	97-14-057
246-10-203	AMD	97-12-089	246-171-050	REP	97-20-101	246-290-680	REP	97-20-100
246-10-205	AMD-P	97-08-092	246-171-060	PREP-X	97-14-056	246-290-990	AMD-P	97-07-073
246-10-205	AMD	97-12-089	246-171-060	REP	97-20-101	246-290-990	AMD	97-12-032
246-10-401	AMD-P	97-08-092	246-171-070	PREP-X	97-14-056	246-291-370	PREP-X	97-14-057
246-10-401	AMD	97-12-089	246-171-070	REP	97-20-101	246-293-310	PREP-X	97-14-056
246-10-403	AMD-P	97-08-092	246-171-080	PREP-X	97-14-056	246-293-310	REP	97-20-101
246-10-403	AMD	97-12-089	246-171-080	REP	97-20-101	246-310-040	PREP-X	97-14-056
246-10-605	AMD-P	97-08-092	246-171-090	PREP-X	97-14-056	246-310-041	PREP-X	97-14-056
246-10-605	AMD	97-12-089	246-171-090	REP	97-20-101	246-310-042	PREP-X	97-14-056
246-10-608	AMD-P	97-08-092	246-171-100	PREP-X	97-14-056	246-310-060	PREP-X	97-14-056
246-10-608	AMD	97-12-089	246-171-100	REP	97-20-101	246-310-060	REP	97-20-101
246-10-701	AMD-P	97-08-092	246-171-110	PREP-X	97-14-056	246-310-135	PREP-X	97-14-056
246-10-701	AMD	97-12-089	246-171-110	REP	97-20-101	246-310-135	REP	97-20-101
246-10-704	AMD-P	97-08-092	246-171-120	PREP-X	97-14-056	246-310-630	PREP-X	97-14-056
246-10-704	AMD	97-12-089	246-171-120	REP	97-20-101	246-310-630	REP	97-20-101
246-10-707	AMD-P	97-08-092	246-171-130	PREP-X	97-14-056	246-312-010	NEW-E	97-15-127
246-10-707	AMD	97-12-089	246-171-130	REP	97-20-101	246-312-010	NEW-P	97-18-090
246-11-010	AMD-P	97-08-092	246-171-140	PREP-X	97-14-056	246-312-010	NEW	97-21-052
246-11-010	AMD	97-13-015	246-171-140	REP	97-20-101	246-312-020	NEW-E	97-15-127
246-11-070	AMD-P	97-08-092	246-203-080	PREP-X	97-14-057	246-312-020	NEW-P	97-18-090
246-11-070	AMD	97-13-015	246-203-080	REP	97-20-100	246-312-990	NEW	97-21-052
246-11-080	AMD-P	97-08-092	246-203-090	PREP-X	97-14-057	246-316-001	PREP-X	97-14-056
246-11-080	AMD	97-13-015	246-203-090	REP	97-20-100	246-316-001	REP	97-20-101
246-11-200	AMD-P	97-08-092	246-203-100	PREP-X	97-14-057	246-316-990	PREP	97-13-097
246-11-200	AMD	97-13-015	246-203-110	PREP-X	97-14-057	246-316-990	AMD-P	97-17-111
246-11-210	AMD-P	97-08-092	246-203-110	REP	97-20-100	246-318-018	PREP-X	97-14-056
246-11-210	AMD	97-13-015	246-203-140	PREP-X	97-14-057	246-318-018	REP	97-20-101
246-11-270	AMD-P	97-08-092	246-203-140	REP	97-20-100	246-318-050	PREP-X	97-14-056
246-11-270	AMD	97-13-015	246-203-150	PREP-X	97-14-057	246-318-050	REP	97-20-101
246-11-290	AMD-P	97-08-092	246-203-150	REP	97-20-100	246-318-060	PREP-X	97-14-056
246-11-290	AMD	97-13-015	246-203-160	PREP-X	97-14-057	246-318-060	REP	97-20-101
246-11-380	AMD-P	97-08-092	246-203-170	PREP-X	97-14-057	246-318-070	PREP-X	97-14-056
246-11-380	AMD	97-13-015	246-203-170	REP	97-20-100	246-318-070	REP	97-20-101
246-11-510	AMD-P	97-08-092	246-203-180	PREP-X	97-14-057	246-318-080	PREP-X	97-14-056
246-11-510	AMD	97-13-015	246-220-130	PREP-X	97-14-056	246-318-080	REP	97-20-101
246-11-540	AMD-P	97-08-092	246-220-130	REP	97-20-101	246-318-090	PREP-X	97-14-056
246-11-540	AMD	97-13-015	246-224-040	PREP-X	97-14-056	246-318-090	REP	97-20-101
246-11-550	AMD-P	97-08-092	246-224-040	REP	97-20-101	246-318-100	PREP-X	97-14-056
246-11-550	AMD	97-13-015	246-224-080	PREP-X	97-14-056	246-318-100	REP	97-20-101
246-11-580	AMD-P	97-08-092	246-224-080	REP	97-20-101	246-318-100	REP	97-20-101
246-11-580	AMD	97-13-015	246-225-99910	PREP-X	97-14-056	246-318-110	PREP-X	97-14-056
246-11-610	AMD-P	97-08-092	246-225-99910	REP	97-20-101	246-318-110	REP	97-20-101
246-11-610	AMD	97-13-015	246-227-010	PREP-X	97-14-056	246-318-120	PREP-X	97-14-056
246-100-011	AMD-P	97-06-110	246-227-010	REP	97-20-101	246-318-120	REP	97-20-101
246-100-011	AMD	97-15-099	246-227-170	PREP-X	97-14-056	246-318-130	PREP-X	97-14-056
246-100-036	AMD-P	97-06-110	246-229-010	PREP-X	97-14-056	246-318-130	REP	97-20-101
246-100-036	AMD	97-15-099	246-229-010	REP	97-20-101	246-318-135	PREP-X	97-14-056
246-100-072	AMD-P	97-06-110	246-229-040	PREP-X	97-14-056	246-318-135	REP	97-20-101
246-100-072	AMD	97-15-099	246-229-040	REP	97-20-101	246-318-140	PREP-X	97-14-056
246-100-206	AMD-P	97-06-110	246-229-060	REP	97-20-101	246-318-140	REP	97-20-101
246-100-206	AMD	97-15-099	246-232-060	AMD-P	97-03-126	246-318-340	PREP-X	97-14-056
246-100-207	AMD	97-04-041	246-232-060	AMD	97-08-095	246-318-340	REP	97-20-101
246-100-209	AMD-P	97-06-110	246-235-075	AMD-P	97-03-126	246-318-360	PREP-X	97-14-056
246-100-209	AMD	97-15-099	246-235-075	AMD	97-08-095	246-318-360	REP	97-20-101
246-136-001	NEW-E	97-16-025	246-252-010	AMD	97-13-055	246-318-410	PREP-X	97-14-056
246-136-001	NEW-P	97-17-112	246-252-030	AMD	97-13-055	246-318-410	REP	97-20-101
246-136-010	NEW-E	97-16-025	246-254-053	AMD-P	97-21-137	246-318-430	PREP-X	97-14-056
246-136-010	NEW-P	97-17-112	246-271-070	PREP-X	97-14-057	246-318-430	REP	97-20-101
			246-271-070	REP	97-20-100	246-318-435	PREP-X	97-14-056

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-318-435	REP	97-20-101	246-376-050	PREP-X	97-14-057	246-802-030	PREP	97-16-088
246-318-501	PREP-X	97-14-056	246-376-050	REP	97-20-100	246-802-040	PREP	97-16-088
246-318-501	REP	97-20-101	246-376-080	PREP-X	97-14-057	246-802-050	PREP	97-16-088
246-321-001	REP	97-03-080	246-376-080	REP	97-20-100	246-802-060	PREP	97-16-088
246-321-010	REP	97-03-080	246-376-100	PREP-X	97-14-057	246-808-410	PREP-X	97-14-058
246-321-012	REP	97-03-080	246-376-100	REP	97-20-100	246-808-410	REP	97-20-163
246-321-014	REP	97-03-080	246-376-110	PREP-X	97-14-057	246-808-525	PREP-X	97-14-058
246-321-015	REP	97-03-080	246-376-110	REP	97-20-100	246-808-525	REP	97-20-163
246-321-017	REP	97-03-080	246-490-019	PREP-XR	97-20-157	246-808-530	PREP-X	97-14-058
246-321-018	REP	97-03-080	246-510-001	PREP-X	97-14-056	246-808-530	REP	97-20-163
246-321-020	REP	97-03-080	246-510-001	REP	97-20-101	246-808-710	PREP-X	97-14-058
246-321-025	REP	97-03-080	246-510-010	PREP-X	97-14-056	246-808-710	REP	97-20-163
246-321-030	REP	97-03-080	246-510-010	REP	97-20-101	246-810-010	AMD-P	97-13-099
246-321-035	REP	97-03-080	246-510-100	PREP-X	97-14-056	246-810-010	AMD	97-17-113
246-321-040	REP	97-03-080	246-510-100	REP	97-20-101	246-810-020	AMD-P	97-13-099
246-321-045	REP	97-03-080	246-510-130	PREP-X	97-14-056	246-810-020	AMD	97-17-113
246-321-050	REP	97-03-080	246-510-130	REP	97-20-101	246-810-022	NEW-P	97-13-099
246-321-055	REP	97-03-080	246-510-160	PREP-X	97-14-056	246-810-022	NEW	97-17-113
246-321-990	REP	97-03-080	246-510-160	REP	97-20-101	246-810-030	AMD-P	97-13-099
246-322-001	PREP-X	97-14-056	246-510-200	PREP-X	97-14-056	246-810-030	AMD	97-17-113
246-322-001	REP	97-20-101	246-510-200	REP	97-20-101	246-810-031	AMD-P	97-13-099
246-324-001	PREP-X	97-14-056	246-510-300	PREP-X	97-14-056	246-810-031	AMD	97-17-113
246-324-001	REP	97-20-101	246-510-300	REP	97-20-101	246-810-032	AMD-P	97-13-099
246-325-001	PREP-X	97-14-056	246-510-320	PREP-X	97-14-056	246-810-032	AMD	97-17-113
246-325-001	REP	97-20-101	246-510-320	REP	97-20-101	246-810-035	NEW-P	97-13-099
246-326-001	PREP-X	97-14-056	246-510-400	PREP-X	97-14-056	246-810-035	NEW	97-17-113
246-326-001	REP	97-20-101	246-510-400	REP	97-20-101	246-810-040	AMD-P	97-13-099
246-327-001	PREP-X	97-14-056	246-560-015	PREP-X	97-14-056	246-810-040	AMD	97-17-113
246-327-001	REP	97-20-101	246-560-015	REP	97-20-101	246-810-045	NEW-P	97-13-099
246-327-990	AMD-P	97-11-087	246-560-020	PREP-X	97-14-056	246-810-045	NEW	97-17-113
246-327-990	AMD	97-15-096	246-560-020	REP	97-20-101	246-810-049	NEW-P	97-13-099
246-328-150	PREP-X	97-14-056	246-560-030	PREP-X	97-14-056	246-810-049	NEW	97-17-113
246-328-150	REP	97-20-101	246-560-030	REP	97-20-101	246-810-050	REP-P	97-13-099
246-329-001	PREP-X	97-14-056	246-560-080	PREP-X	97-14-056	246-810-050	REP	97-17-113
246-329-001	REP	97-20-101	246-560-080	REP	97-20-101	246-810-060	AMD-P	97-13-099
246-331-001	PREP-X	97-14-056	246-560-090	PREP-X	97-14-056	246-810-060	AMD	97-17-113
246-331-001	REP	97-20-101	246-560-090	REP	97-20-101	246-810-061	AMD-P	97-13-099
246-331-990	AMD-P	97-11-087	246-560-100	PREP-X	97-14-056	246-810-061	AMD	97-17-113
246-331-990	AMD	97-15-096	246-560-100	REP	97-20-101	246-810-062	AMD-P	97-13-099
246-336-001	PREP-X	97-14-056	246-560-105	PREP-X	97-14-056	246-810-062	AMD	97-17-113
246-336-001	REP	97-20-101	246-560-105	REP	97-20-101	246-810-063	AMD-P	97-13-099
246-336-990	AMD-P	97-11-087	246-560-110	PREP-X	97-14-056	246-810-063	AMD	97-17-113
246-336-990	AMD	97-15-096	246-560-110	REP	97-20-101	246-810-064	AMD-P	97-13-099
246-338-020	AMD-P	97-11-039	246-560-120	PREP-X	97-14-056	246-810-064	AMD	97-17-113
246-338-020	AMD	97-14-113	246-560-120	REP	97-20-101	246-810-065	AMD-P	97-13-099
246-338-030	AMD-P	97-11-039	246-710-040	PREP-X	97-14-057	246-810-065	AMD	97-17-113
246-338-030	AMD	97-14-113	246-710-040	REP	97-20-100	246-810-066	AMD-P	97-13-099
246-338-060	AMD-P	97-11-039	246-762-060	PREP-X	97-14-057	246-810-066	AMD	97-17-113
246-338-060	AMD	97-14-113	246-762-060	REP	97-20-100	246-810-070	AMD-P	97-13-099
246-338-070	AMD-P	97-11-039	246-762-070	PREP-X	97-14-057	246-810-070	AMD	97-17-113
246-338-070	AMD	97-14-113	246-762-070	REP	97-20-100	246-810-080	AMD-P	97-13-099
246-338-090	AMD-P	97-11-039	246-790-010	AMD-P	97-13-098	246-810-080	AMD	97-17-113
246-338-090	AMD	97-14-113	246-790-010	AMD	97-16-117	246-810-110	NEW-P	97-13-099
246-338-100	AMD-P	97-11-039	246-790-050	AMD-P	97-13-098	246-810-110	NEW	97-17-113
246-338-100	AMD	97-14-113	246-790-050	AMD	97-16-117	246-810-120	NEW-P	97-13-099
246-340-085	PREP-XR	97-20-156	246-790-060	AMD-P	97-13-098	246-810-120	NEW	97-17-113
246-358-095	AMD	97-14-008	246-790-060	AMD	97-16-117	246-810-130	NEW-P	97-13-099
246-360-060	PREP-X	97-14-057	246-790-070	AMD-P	97-13-098	246-810-130	NEW	97-17-113
246-360-060	REP	97-20-100	246-790-070	AMD	97-16-117	246-810-140	NEW-P	97-13-099
246-360-170	PREP-X	97-14-057	246-790-080	AMD-P	97-13-098	246-810-140	NEW	97-17-113
246-360-170	REP	97-20-100	246-790-080	AMD	97-16-117	246-810-150	NEW-P	97-13-099
246-360-210	PREP-X	97-14-057	246-790-085	NEW-P	97-13-098	246-810-150	NEW-W	97-20-153
246-360-210	REP	97-20-100	246-790-085	NEW	97-16-117	246-810-152	NEW-P	97-13-099
246-374-050	PREP-X	97-14-057	246-790-090	AMD-P	97-13-098	246-810-152	NEW-W	97-20-153
246-374-050	REP	97-20-100	246-790-090	AMD	97-16-117	246-810-310	AMD-P	97-13-099
246-374-060	PREP-X	97-14-057	246-790-100	AMD-P	97-13-098	246-810-310	AMD	97-17-113
246-374-060	REP	97-20-100	246-790-100	AMD	97-16-117	246-810-320	AMD-P	97-13-099
246-374-080	PREP-X	97-14-057	246-790-110	REP-P	97-13-098	246-810-320	AMD	97-17-113
246-374-080	REP	97-20-100	246-790-110	REP	97-16-117	246-810-321	AMD-P	97-13-099
246-374-100	PREP-X	97-14-057	246-790-120	AMD-P	97-13-098	246-810-321	AMD	97-17-113
246-374-100	REP	97-20-100	246-790-120	AMD	97-16-117	246-810-330	REP-P	97-13-099
246-374-130	PREP-X	97-14-057	246-790-130	AMD-P	97-13-098	246-810-330	REP	97-17-113
246-374-130	REP	97-20-100	246-790-130	AMD	97-16-117	246-810-331	REP-P	97-13-099

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-810-331	REP	97-17-113	246-810-710	NEW-P	97-13-099	246-828-400	PREP-X	97-14-060
246-810-332	AMD-P	97-13-099	246-810-710	NEW	97-17-113	246-828-400	REP	97-20-104
246-810-332	AMD	97-17-113	246-810-720	AMD-P	97-13-099	246-828-410	PREP-X	97-14-060
246-810-334	NEW-P	97-13-099	246-810-720	AMD	97-17-113	246-828-410	REP	97-20-104
246-810-334	NEW	97-17-113	246-810-721	NEW-P	97-13-099	246-828-420	PREP-X	97-14-060
246-810-340	AMD-P	97-13-099	246-810-721	NEW	97-17-113	246-828-420	REP	97-20-104
246-810-340	AMD	97-17-113	246-810-730	REP-P	97-13-099	246-828-430	PREP-X	97-14-060
246-810-345	NEW-P	97-13-099	246-810-730	REP	97-17-113	246-828-430	REP	97-20-104
246-810-345	NEW	97-17-113	246-810-731	REP-P	97-13-099	246-828-510	PREP	97-15-097
246-810-348	NEW-P	97-13-099	246-810-731	REP	97-17-113	246-828-990	AMD	97-04-043
246-810-348	NEW	97-17-113	246-810-732	NEW-P	97-13-099	246-830-220	PREP-X	97-14-056
246-810-350	REP-P	97-13-099	246-810-732	NEW	97-17-113	246-830-220	REP	97-20-101
246-810-350	REP	97-17-113	246-810-732	NEW	97-17-113	246-830-230	PREP-X	97-14-056
246-810-360	REP-P	97-13-099	246-810-734	NEW-P	97-13-099	246-830-230	REP	97-20-101
246-810-360	REP	97-17-113	246-810-734	NEW	97-17-113	246-830-240	PREP-X	97-14-056
246-810-361	REP-P	97-13-099	246-810-740	AMD-P	97-13-099	246-830-240	REP	97-20-101
246-810-361	REP	97-17-113	246-810-740	AMD	97-17-113	246-830-250	PREP-X	97-14-056
246-810-362	REP-P	97-13-099	246-810-741	REP-P	97-13-099	246-830-250	REP	97-20-101
246-810-362	REP	97-17-113	246-810-741	REP	97-17-113	246-830-250	REP	97-20-101
246-810-363	REP-P	97-13-099	246-810-745	NEW-P	97-13-099	246-830-255	PREP-X	97-14-056
246-810-363	REP	97-17-113	246-810-745	NEW	97-17-113	246-830-255	REP	97-20-101
246-810-364	REP-P	97-13-099	246-810-748	NEW-P	97-13-099	246-830-260	PREP-X	97-14-056
246-810-364	REP	97-17-113	246-810-748	NEW	97-17-113	246-830-260	REP	97-20-101
246-810-364	REP	97-17-113	246-810-750	REP-P	97-13-099	246-830-270	PREP-X	97-14-056
246-810-365	REP-P	97-13-099	246-810-750	REP	97-17-113	246-830-270	REP	97-20-101
246-810-365	REP	97-17-113	246-810-750	REP	97-17-113	246-830-280	PREP-X	97-14-056
246-810-365	REP	97-17-113	246-810-760	REP-P	97-13-099	246-830-280	REP	97-20-101
246-810-366	REP-P	97-13-099	246-810-760	REP	97-17-113	246-830-280	REP	97-20-101
246-810-366	REP	97-17-113	246-810-761	REP-P	97-13-099	246-830-690	PREP-X	97-14-056
246-810-370	REP-P	97-13-099	246-810-761	REP	97-17-113	246-830-690	REP	97-20-101
246-810-370	REP	97-17-113	246-810-762	REP-P	97-13-099	246-834-350	PREP-X	97-14-056
246-810-380	REP-P	97-13-099	246-810-762	REP	97-17-113	246-834-350	REP	97-20-101
246-810-380	REP	97-17-113	246-810-763	REP-P	97-13-099	246-836-070	PREP-X	97-14-056
246-810-510	AMD-P	97-13-099	246-810-763	REP	97-17-113	246-836-070	REP	97-20-101
246-810-510	AMD	97-17-113	246-810-764	REP-P	97-13-099	246-836-080	PREP-X	97-14-056
246-810-520	AMD-P	97-13-099	246-810-764	REP	97-17-113	246-836-090	PREP-X	97-14-056
246-810-520	AMD	97-17-113	246-810-765	REP-P	97-13-099	246-836-190	PREP-X	97-14-056
246-810-521	AMD-P	97-13-099	246-810-765	REP	97-17-113	246-836-190	REP	97-20-101
246-810-521	AMD	97-17-113	246-810-766	REP-P	97-13-099	246-836-400	PREP-X	97-14-056
246-810-530	REP-P	97-13-099	246-810-766	REP	97-17-113	246-836-400	REP	97-20-101
246-810-530	REP	97-17-113	246-810-770	REP-P	97-13-099	246-838	PREP-W	97-03-066
246-810-532	NEW-P	97-13-099	246-810-770	REP	97-17-113	246-838	PREP-W	97-03-067
246-810-532	NEW	97-17-113	246-810-780	REP-P	97-13-099	246-838-010	REP-P	97-07-074
246-810-534	NEW-P	97-13-099	246-810-780	REP	97-17-113	246-838-010	REP	97-13-100
246-810-534	NEW	97-17-113	246-810-990	AMD-P	97-13-099	246-838-020	REP-P	97-07-074
246-810-540	AMD-P	97-13-099	246-810-990	AMD	97-17-113	246-838-020	REP	97-13-100
246-810-540	AMD	97-17-113	246-812-130	PREP-XR	97-20-158	246-838-026	REP-P	97-07-074
246-810-541	REP-P	97-13-099	246-822-100	PREP-X	97-14-056	246-838-026	REP	97-13-100
246-810-541	REP	97-17-113	246-822-100	REP	97-20-101	246-838-030	REP-P	97-07-074
246-810-542	REP-P	97-13-099	246-822-140	PREP-X	97-14-056	246-838-030	REP	97-13-100
246-810-542	REP	97-17-113	246-822-140	REP	97-20-101	246-838-040	REP-P	97-07-074
246-810-545	NEW-P	97-13-099	246-828-005	AMD-XA	97-19-099	246-838-040	REP-W	97-20-117
246-810-545	NEW	97-17-113	246-828-015	NEW	97-04-042	246-838-050	REP-P	97-07-074
246-810-548	NEW-P	97-13-099	246-828-030	AMD-XA	97-19-099	246-838-050	REP	97-13-100
246-810-548	NEW	97-17-113	246-828-055	AMD-P	97-12-086	246-838-060	REP-P	97-07-074
246-810-550	REP-P	97-13-099	246-828-055	AMD	97-15-128	246-838-060	REP	97-13-100
246-810-550	REP	97-17-113	246-828-060	PREP-X	97-14-059	246-838-070	REP-P	97-07-074
246-810-560	REP-P	97-13-099	246-828-060	REP	97-20-102	246-838-070	REP	97-13-100
246-810-560	REP	97-17-113	246-828-065	PREP-X	97-14-059	246-838-080	REP-P	97-07-074
246-810-561	REP-P	97-13-099	246-828-065	REP	97-20-102	246-838-080	REP	97-13-100
246-810-561	REP	97-17-113	246-828-070	AMD-P	97-12-086	246-838-090	REP-P	97-07-074
246-810-562	REP-P	97-13-099	246-828-070	AMD	97-15-128	246-838-090	REP	97-13-100
246-810-562	REP	97-17-113	246-828-075	AMD-XA	97-19-099	246-838-100	REP-P	97-07-074
246-810-563	REP-P	97-13-099	246-828-080	AMD-XA	97-19-099	246-838-100	REP	97-13-100
246-810-563	REP	97-17-113	246-828-090	AMD-XA	97-19-099	246-838-110	REP-P	97-07-074
246-810-564	REP-P	97-13-099	246-828-090	AMD-XA	97-19-099	246-838-110	REP	97-13-100
246-810-564	REP	97-17-113	246-828-100	AMD-XA	97-19-099	246-838-120	REP-P	97-07-074
246-810-565	REP-P	97-13-099	246-828-270	AMD-XA	97-19-099	246-838-120	REP	97-13-100
246-810-565	REP	97-17-113	246-828-280	AMD-XA	97-19-099	246-838-120	REP	97-13-100
246-810-566	REP-P	97-13-099	246-828-295	AMD-XA	97-19-099	246-838-121	REP-P	97-07-074
246-810-566	REP	97-17-113	246-828-300	AMD-XA	97-19-099	246-838-121	REP	97-13-100
246-810-570	REP-P	97-13-099	246-828-320	AMD-XA	97-19-099	246-838-130	REP-P	97-07-074
246-810-570	REP	97-17-113	246-828-330	AMD-XA	97-19-099	246-838-130	REP	97-13-100
246-810-580	REP-P	97-13-099	246-828-340	AMD-XA	97-19-099	246-838-250	REP-P	97-07-074
246-810-580	REP	97-17-113	246-828-350	AMD-XA	97-19-099	246-838-250	REP	97-13-100
246-810-580	REP	97-17-113	246-828-370	AMD-XA	97-19-099	246-838-260	REP-P	97-07-074

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-838-260	REP	97-13-100	246-839-370	REP-P	97-07-074	246-840-070	NEW	97-13-100
246-838-270	REP-P	97-07-074	246-839-370	REP	97-13-100	246-840-080	NEW-P	97-07-074
246-838-270	REP	97-13-100	246-839-400	REP-P	97-07-074	246-840-080	NEW	97-13-100
246-838-280	REP-P	97-07-074	246-839-400	REP	97-13-100	246-840-090	NEW-P	97-07-074
246-838-280	REP	97-13-100	246-839-410	REP-P	97-07-074	246-840-090	NEW	97-13-100
246-838-290	REP-P	97-07-074	246-839-410	REP	97-13-100	246-840-100	NEW-P	97-07-074
246-838-290	REP	97-13-100	246-839-420	REP-P	97-07-074	246-840-100	NEW	97-13-100
246-838-300	REP-P	97-07-074	246-839-420	REP	97-13-100	246-840-105	NEW-P	97-07-074
246-838-300	REP	97-13-100	246-839-430	REP-P	97-07-074	246-840-105	NEW	97-13-100
246-838-310	REP-P	97-07-074	246-839-430	REP	97-13-100	246-840-110	NEW-P	97-07-074
246-838-310	REP	97-13-100	246-839-440	REP-P	97-07-074	246-840-110	NEW	97-13-100
246-838-330	REP-P	97-07-074	246-839-440	REP	97-13-100	246-840-113	NEW-P	97-07-074
246-838-330	REP	97-13-100	246-839-450	REP-P	97-07-074	246-840-113	NEW	97-13-100
246-838-340	REP-P	97-07-074	246-839-450	REP	97-13-100	246-840-115	NEW-P	97-07-074
246-838-340	REP	97-13-100	246-839-700	REP-P	97-07-074	246-840-115	NEW	97-13-100
246-838-350	REP-P	97-07-074	246-839-700	REP	97-13-100	246-840-120	NEW-P	97-07-074
246-838-350	REP	97-13-100	246-839-710	REP-P	97-07-074	246-840-120	NEW	97-13-100
246-838-360	REP-P	97-07-074	246-839-710	REP	97-13-100	246-840-130	NEW-P	97-07-074
246-838-360	REP	97-13-100	246-839-720	REP-P	97-07-074	246-840-130	NEW	97-13-100
246-839	PREP-W	97-03-066	246-839-720	REP	97-13-100	246-840-300	NEW-P	97-07-074
246-839	PREP-W	97-03-067	246-839-730	REP-P	97-07-074	246-840-300	NEW	97-13-100
246-839-010	REP-P	97-07-074	246-839-730	REP	97-13-100	246-840-305	NEW-P	97-07-074
246-839-010	REP	97-13-100	246-839-740	REP-P	97-07-074	246-840-305	NEW	97-13-100
246-839-020	REP-P	97-07-074	246-839-740	REP	97-13-100	246-840-310	NEW-P	97-07-074
246-839-020	REP	97-13-100	246-839-745	REP-P	97-07-074	246-840-310	NEW	97-13-100
246-839-030	REP-P	97-08-093	246-839-745	REP	97-13-100	246-840-315	NEW-P	97-07-074
246-839-030	REP	97-17-015	246-839-750	REP-P	97-07-074	246-840-315	NEW	97-13-100
246-839-040	REP-P	97-07-074	246-839-750	REP	97-13-100	246-840-320	NEW-P	97-07-074
246-839-040	REP	97-13-100	246-839-760	REP-P	97-07-074	246-840-320	NEW	97-13-100
246-839-050	REP-P	97-07-074	246-839-760	REP	97-13-100	246-840-330	NEW-P	97-07-074
246-839-050	REP	97-13-100	246-839-770	REP-P	97-07-074	246-840-330	NEW	97-13-100
246-839-060	REP-P	97-07-074	246-839-770	REP	97-13-100	246-840-340	NEW-P	97-07-074
246-839-060	REP	97-13-100	246-839-780	REP-P	97-07-074	246-840-340	NEW	97-13-100
246-839-070	REP-P	97-07-074	246-839-780	REP	97-13-100	246-840-345	NEW-P	97-07-074
246-839-070	REP	97-13-100	246-839-800	REP-P	97-07-074	246-840-345	NEW	97-13-100
246-839-080	REP-P	97-07-074	246-839-800	REP	97-13-100	246-840-350	NEW-P	97-07-074
246-839-080	REP	97-13-100	246-839-810	REP-P	97-07-074	246-840-350	NEW	97-13-100
246-839-090	REP-P	97-07-074	246-839-810	REP	97-13-100	246-840-360	NEW-P	97-07-074
246-839-090	REP	97-13-100	246-839-820	REP-P	97-07-074	246-840-360	NEW	97-13-100
246-839-100	REP-P	97-07-074	246-839-820	REP	97-13-100	246-840-365	NEW-P	97-07-074
246-839-100	REP	97-13-100	246-839-830	REP-P	97-07-074	246-840-365	NEW	97-13-100
246-839-105	REP-P	97-07-074	246-839-830	REP	97-13-100	246-840-370	NEW-P	97-07-074
246-839-105	REP	97-13-100	246-839-840	REP-P	97-07-074	246-840-370	NEW	97-13-100
246-839-110	REP-P	97-07-074	246-839-840	REP	97-13-100	246-840-400	NEW-P	97-07-074
246-839-110	REP	97-13-100	246-839-850	REP-P	97-07-074	246-840-400	NEW	97-13-100
246-839-115	REP-P	97-07-074	246-839-850	REP	97-13-100	246-840-410	NEW-P	97-07-074
246-839-115	REP	97-13-100	246-839-860	REP-P	97-07-074	246-840-410	NEW	97-13-100
246-839-120	REP-P	97-07-074	246-839-860	REP-S	97-12-030	246-840-420	NEW-P	97-07-074
246-839-120	REP	97-13-100	246-839-860	REP	97-17-049	246-840-420	NEW	97-13-100
246-839-130	REP-P	97-07-074	246-839-870	REP-P	97-07-074	246-840-430	NEW-P	97-07-074
246-839-130	REP	97-13-100	246-839-870	REP	97-13-100	246-840-430	NEW	97-13-100
246-839-300	REP-P	97-07-074	246-839-880	REP-P	97-07-074	246-840-440	NEW-P	97-07-074
246-839-300	REP	97-13-100	246-839-880	REP	97-13-100	246-840-440	NEW	97-13-100
246-839-305	REP-P	97-07-074	246-839-890	REP-P	97-07-074	246-840-450	NEW-P	97-07-074
246-839-305	REP	97-13-100	246-839-890	REP	97-13-100	246-840-450	NEW	97-13-100
246-839-310	REP-P	97-07-074	246-839-900	REP-P	97-07-074	246-840-540	AMD-P	97-07-074
246-839-310	REP	97-13-100	246-839-900	REP	97-13-100	246-840-540	AMD	97-13-100
246-839-315	REP-P	97-07-074	246-840-010	NEW-P	97-07-074	246-840-565	AMD-P	97-07-074
246-839-315	REP	97-13-100	246-840-010	NEW	97-13-100	246-840-565	AMD	97-13-100
246-839-320	REP-P	97-07-074	246-840-010	AMD-P	97-20-161	246-840-700	NEW-P	97-07-074
246-839-320	REP	97-13-100	246-840-020	NEW-P	97-07-074	246-840-700	NEW	97-13-100
246-839-330	REP-P	97-07-074	246-840-020	NEW	97-13-100	246-840-705	NEW-P	97-07-074
246-839-330	REP	97-13-100	246-840-030	NEW-P	97-07-074	246-840-705	NEW	97-13-100
246-839-340	REP-P	97-07-074	246-840-030	NEW-P	97-08-093	246-840-710	NEW-P	97-07-074
246-839-340	REP	97-13-100	246-840-030	NEW-W	97-09-061	246-840-710	NEW	97-13-100
246-839-345	REP-P	97-07-074	246-840-030	NEW	97-17-015	246-840-715	NEW-P	97-07-074
246-839-345	REP	97-13-100	246-840-040	NEW-P	97-07-074	246-840-715	NEW	97-13-100
246-839-350	REP-P	97-07-074	246-840-040	NEW	97-13-100	246-840-720	NEW-P	97-07-074
246-839-350	REP	97-13-100	246-840-050	NEW-P	97-07-074	246-840-720	NEW	97-13-100
246-839-360	REP-P	97-07-074	246-840-050	NEW	97-13-100	246-840-730	NEW-P	97-07-074
246-839-360	REP	97-13-100	246-840-060	NEW-P	97-07-074	246-840-730	NEW	97-13-100
246-839-365	REP-P	97-07-074	246-840-060	NEW	97-13-100	246-840-745	NEW-P	97-07-074
246-839-365	REP	97-13-100	246-840-070	NEW-P	97-07-074	246-840-745	NEW	97-13-100

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-840-747	NEW-P	97-07-074	246-851-220	AMD-P	97-08-094	246-933-980	REP	97-20-101
246-840-747	NEW	97-13-100	246-851-220	AMD	97-12-088	246-935-125	PREP-X	97-14-056
246-840-750	NEW-P	97-07-074	246-851-230	AMD-P	97-08-094	246-935-125	REP	97-20-101
246-840-750	NEW	97-13-100	246-851-230	AMD	97-12-088	246-937-100	PREP-X	97-14-056
246-840-760	NEW-P	97-07-074	246-851-240	AMD-P	97-08-094	246-937-100	REP	97-20-101
246-840-760	NEW	97-13-100	246-851-240	AMD	97-12-088	246-976-090	PREP-X	97-14-056
246-840-770	NEW-P	97-07-074	246-861-030	PREP-X	97-14-062	246-976-090	REP	97-20-101
246-840-770	NEW	97-13-100	246-861-030	REP	97-20-164	246-976-115	PREP-X	97-14-056
246-840-780	NEW-P	97-07-074	246-865	PREP	97-11-038	246-976-115	REP	97-20-101
246-840-780	NEW	97-13-100	246-869-260	PREP-X	97-14-069	249A-02-010	NEW-W	97-09-043
246-840-800	NEW-P	97-07-074	246-869-260	REP	97-20-165	249A-02-020	NEW-W	97-09-043
246-840-800	NEW	97-13-100	246-877-030	PREP-X	97-14-064	249A-02-030	NEW-W	97-09-043
246-840-810	NEW-P	97-07-074	246-877-030	REP	97-20-166	249A-02-040	NEW-W	97-09-043
246-840-810	NEW	97-13-100	246-887-140	AMD-P	97-09-063	249A-02-050	NEW-W	97-09-043
246-840-820	NEW-P	97-07-074	246-887-140	AMD	97-21-054	249A-02-060	NEW-W	97-09-043
246-840-820	NEW	97-13-100	246-893	PREP-X	97-14-065	249A-02-080	NEW-W	97-09-043
246-840-830	NEW-P	97-07-074	246-893-001	REP	97-20-167	249A-02-100	NEW-W	97-09-043
246-840-830	NEW	97-13-100	246-893-010	REP	97-20-167	249A-02-200	NEW-W	97-09-043
246-840-840	NEW-P	97-07-074	246-893-020	REP	97-20-167	249A-02-210	NEW-W	97-09-043
246-840-840	NEW	97-13-100	246-893-030	REP	97-20-167	249A-02-220	NEW-W	97-09-043
246-840-850	NEW-P	97-07-074	246-893-040	REP	97-20-167	249A-02-250	NEW-W	97-09-043
246-840-850	NEW	97-13-100	246-893-050	REP	97-20-167	249A-02-300	NEW-W	97-09-043
246-840-860	NEW-P	97-07-074	246-893-060	REP	97-20-167	249A-02-350	NEW-W	97-09-043
246-840-860	NEW-S	97-12-030	246-893-070	REP	97-20-167	249A-02-360	NEW-W	97-09-043
246-840-860	NEW	97-17-049	246-893-080	REP	97-20-167	249A-02-410	NEW-W	97-09-043
246-840-870	NEW-P	97-07-074	246-893-090	REP	97-20-167	249A-02-420	NEW-W	97-09-043
246-840-870	NEW	97-13-100	246-893-100	REP	97-20-167	249A-02-430	NEW-W	97-09-043
246-840-880	NEW-P	97-07-074	246-893-110	REP	97-20-167	249A-02-440	NEW-W	97-09-043
246-840-880	NEW	97-13-100	246-893-120	REP	97-20-167	249A-02-450	NEW-W	97-09-043
246-840-890	NEW-P	97-07-074	246-893-130	REP	97-20-167	249A-02-460	NEW-W	97-09-043
246-840-890	NEW	97-13-100	246-893-140	REP	97-20-167	249A-02-470	NEW-W	97-09-043
246-840-900	NEW-P	97-07-074	246-893-998	REP	97-20-167	249A-02-510	NEW-W	97-09-043
246-840-900	NEW	97-13-100	246-897-030	PREP-X	97-14-066	249A-02-520	NEW-W	97-09-043
246-840-930	AMD-P	97-07-074	246-897-030	REP	97-20-168	249A-02-540	NEW-W	97-09-043
246-840-930	AMD	97-13-100	246-897-040	PREP-X	97-14-066	249A-02-560	NEW-W	97-09-043
246-840-940	AMD-P	97-07-074	246-897-040	REP	97-20-168	249A-02-600	NEW-W	97-09-043
246-840-940	AMD	97-13-100	246-897-050	PREP-X	97-14-066	249A-02-650	NEW-W	97-09-043
246-840-985	NEW-P	97-20-161	246-897-050	REP	97-20-168	249A-02-810	NEW-W	97-09-043
246-840-990	AMD-P	97-20-162	246-897-120	PREP-X	97-14-066	249A-02-830	NEW-W	97-09-043
246-841-710	PREP-X	97-14-061	246-897-120	REP	97-20-168	249A-02-860	NEW-W	97-09-043
246-841-710	REP	97-20-101	246-897-130	PREP-X	97-14-066	250-10-010	PREP-XR	97-20-089
246-841-730	PREP-X	97-14-061	246-897-130	REP	97-20-168	250-10-020	PREP-XR	97-20-089
246-841-730	REP	97-20-101	246-897-140	PREP-X	97-14-066	250-10-022	PREP-XR	97-20-089
246-841-740	PREP-X	97-14-061	246-897-140	REP	97-20-168	250-10-026	PREP-XR	97-20-089
246-841-740	REP	97-20-101	246-897-150	PREP-X	97-14-066	250-10-028	PREP-XR	97-20-089
246-841-750	PREP-X	97-14-061	246-897-150	REP	97-20-168	250-10-030	PREP-XR	97-20-089
246-841-750	REP	97-20-101	246-897-160	PREP-X	97-14-066	250-10-040	PREP-XR	97-20-089
246-843-158	PREP-X	97-14-056	246-897-160	REP	97-20-168	250-10-050	PREP-XR	97-20-089
246-843-158	REP	97-20-101	246-897-170	PREP-X	97-14-066	250-10-060	PREP-XR	97-20-089
246-851-090	AMD-P	97-08-094	246-897-170	REP	97-20-168	250-10-070	PREP-XR	97-20-089
246-851-090	AMD	97-12-088	246-897-180	PREP-X	97-14-066	250-10-080	PREP-XR	97-20-089
246-851-100	AMD-P	97-08-094	246-897-180	REP	97-20-168	250-10-090	PREP-XR	97-20-089
246-851-100	AMD	97-12-088	246-897-190	PREP-X	97-14-066	250-10-100	PREP-XR	97-20-089
246-851-110	AMD-P	97-08-094	246-897-190	REP	97-20-168	250-10-110	PREP-XR	97-20-089
246-851-110	AMD	97-12-088	246-901	PREP	97-16-087	250-10-120	PREP-XR	97-20-089
246-851-120	AMD-P	97-08-094	246-907-020	AMD	97-06-019	250-10-130	PREP-XR	97-20-089
246-851-120	AMD	97-12-088	246-907-030	AMD	97-06-019	250-10-140	PREP-XR	97-20-089
246-851-140	AMD-P	97-08-094	246-915-080	PREP-X	97-14-067	250-10-150	PREP-XR	97-20-089
246-851-140	AMD	97-12-088	246-915-080	REP	97-20-103	250-10-160	PREP-XR	97-20-089
246-851-150	AMD-P	97-08-094	246-915-090	PREP-X	97-14-067	250-10-170	PREP-XR	97-20-089
246-851-150	AMD	97-12-088	246-915-090	REP	97-20-103	250-12-010	PREP-XR	97-20-091
246-851-160	AMD-P	97-08-094	246-918-008	PREP-XR	97-20-159	250-12-020	PREP-XR	97-20-091
246-851-160	AMD	97-12-088	246-918-009	PREP-XR	97-20-159	250-12-030	PREP-XR	97-20-091
246-851-170	AMD-P	97-08-094	246-918-160	PREP-XR	97-20-160	250-12-040	PREP-XR	97-20-091
246-851-170	AMD	97-12-088	246-919-500	PREP-XR	97-20-159	250-12-050	PREP-XR	97-20-091
246-851-180	AMD-P	97-08-094	246-919-510	PREP-XR	97-20-159	250-12-060	PREP-XR	97-20-091
246-851-180	AMD	97-12-088	246-919-520	NEW-P	97-15-126	250-12-070	PREP-XR	97-20-091
246-851-190	AMD-P	97-08-094	246-919-520	NEW	97-21-053	250-16-001	PREP-XR	97-20-090
246-851-190	AMD	97-12-088	246-919-990	AMD-P	97-12-085	250-16-010	PREP-XR	97-20-090
246-851-200	AMD-P	97-08-094	246-919-990	AMD	97-15-100	250-16-020	PREP-XR	97-20-090
246-851-200	AMD	97-12-088	246-933-170	PREP-X	97-14-056	250-16-030	PREP-XR	97-20-090
246-851-210	REP-P	97-08-094	246-933-170	REP	97-20-101	250-16-040	PREP-XR	97-20-090
246-851-210	REP	97-12-088	246-933-980	PREP-X	97-14-056	250-16-050	PREP-XR	97-20-090

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
250-16-060	PREP-XR	97-20-090	260-24-090	REP-P	97-04-060	260-24-330	REP-W	97-17-043
250-55-010	PREP-XR	97-20-092	260-24-090	REP-W	97-17-043	260-24-330	REP-P	97-21-092
250-55-020	PREP-XR	97-20-092	260-24-090	REP-P	97-21-092	260-24-340	REP-P	97-04-060
250-55-030	PREP-XR	97-20-092	260-24-100	REP-P	97-04-060	260-24-340	REP-W	97-17-043
250-55-040	PREP-XR	97-20-092	260-24-100	REP-W	97-17-043	260-24-340	REP-P	97-21-092
250-55-050	PREP-XR	97-20-092	260-24-100	REP-P	97-21-092	260-24-350	REP-P	97-04-060
250-55-060	PREP-XR	97-20-092	260-24-110	REP-P	97-04-060	260-24-350	REP-W	97-17-043
250-55-070	PREP-XR	97-20-092	260-24-110	REP-W	97-17-043	260-24-350	REP-P	97-21-092
250-55-080	PREP-XR	97-20-092	260-24-110	REP-P	97-21-092	260-24-360	REP-P	97-04-060
250-55-090	PREP-XR	97-20-092	260-24-120	REP-P	97-04-060	260-24-360	REP-W	97-17-043
250-55-100	PREP-XR	97-20-092	260-24-120	REP-W	97-17-043	260-24-360	REP-P	97-21-092
250-55-110	PREP-XR	97-20-092	260-24-120	REP-P	97-21-092	260-24-370	REP-P	97-04-060
250-55-120	PREP-XR	97-20-092	260-24-130	REP-P	97-04-060	260-24-370	REP-W	97-17-043
250-55-130	PREP-XR	97-20-092	260-24-130	REP-W	97-17-043	260-24-370	REP-P	97-21-092
250-55-140	PREP-XR	97-20-092	260-24-130	REP-P	97-21-092	260-24-380	REP-P	97-04-060
250-55-150	PREP-XR	97-20-092	260-24-140	REP-P	97-04-060	260-24-380	REP-W	97-17-043
250-55-160	PREP-XR	97-20-092	260-24-140	REP-W	97-17-043	260-24-380	REP-P	97-21-092
250-55-170	PREP-XR	97-20-092	260-24-140	REP-P	97-21-092	260-24-390	REP-P	97-04-060
250-55-180	PREP-XR	97-20-092	260-24-150	REP-P	97-04-060	260-24-390	REP-W	97-17-043
250-55-190	PREP-XR	97-20-092	260-24-150	REP-W	97-17-043	260-24-390	REP-P	97-21-092
250-55-200	PREP-XR	97-20-092	260-24-150	REP-P	97-21-092	260-24-400	REP-P	97-04-060
250-55-210	PREP-XR	97-20-092	260-24-160	REP-P	97-04-060	260-24-400	REP-W	97-17-043
250-55-220	PREP-XR	97-20-092	260-24-160	REP-W	97-17-043	260-24-400	REP-P	97-21-092
250-61-150	PREP-XR	97-20-088	260-24-160	REP-P	97-21-092	260-24-410	REP-P	97-04-060
251-01-045	AMD-P	97-08-090	260-24-170	REP-P	97-04-060	260-24-410	REP-W	97-17-043
251-01-045	AMD-W	97-10-088	260-24-170	REP-W	97-17-043	260-24-410	REP-P	97-21-092
251-01-110	AMD-P	97-08-090	260-24-170	REP-P	97-21-092	260-24-420	REP-P	97-04-060
251-01-110	AMD-W	97-10-088	260-24-180	REP-P	97-04-060	260-24-420	REP-W	97-17-043
251-04-040	AMD-P	97-08-090	260-24-180	REP-W	97-17-043	260-24-420	REP-P	97-21-092
251-04-040	AMD-W	97-10-088	260-24-180	REP-P	97-21-092	260-24-430	REP-P	97-04-060
251-04-050	AMD-P	97-08-090	260-24-190	REP-P	97-04-060	260-24-430	REP-W	97-17-043
251-04-050	AMD-W	97-10-088	260-24-190	REP-W	97-17-043	260-24-430	REP-P	97-21-092
251-10-030	AMD-P	97-08-090	260-24-190	REP-P	97-21-092	260-24-440	REP-P	97-04-060
251-10-030	AMD-W	97-10-088	260-24-200	REP-P	97-04-060	260-24-440	REP-W	97-17-043
251-10-030	AMD-P	97-20-063	260-24-200	REP-W	97-17-043	260-24-440	REP-P	97-21-092
251-12-270	REP-P	97-08-090	260-24-200	REP-P	97-21-092	260-24-450	REP-P	97-04-060
251-12-270	REP-W	97-10-088	260-24-210	REP-P	97-04-060	260-24-450	REP-W	97-17-043
251-12-270	REP-P	97-10-089	260-24-210	REP-W	97-17-043	260-24-450	REP-P	97-21-092
251-12-270	REP	97-13-045	260-24-210	REP-P	97-21-092	260-24-460	REP-P	97-04-060
251-12-600	AMD-P	97-08-090	260-24-220	REP-P	97-04-060	260-24-460	REP-W	97-17-043
251-12-600	AMD-W	97-10-088	260-24-220	REP-W	97-17-043	260-24-460	REP-P	97-21-092
251-12-600	AMD-P	97-10-089	260-24-220	REP-P	97-21-092	260-24-465	REP-P	97-04-060
251-12-600	AMD	97-13-045	260-24-230	REP-P	97-04-060	260-24-465	REP-W	97-17-043
251-14-060	AMD	97-06-012	260-24-230	REP-W	97-17-043	260-24-465	REP-P	97-21-092
251-14-120	AMD	97-06-012	260-24-230	REP-P	97-21-092	260-24-470	REP-P	97-04-060
251-20-020	AMD-P	97-08-090	260-24-240	REP-P	97-04-060	260-24-470	REP-W	97-17-043
251-20-020	AMD-W	97-10-088	260-24-240	REP-W	97-17-043	260-24-470	REP-P	97-21-092
251-20-020	AMD-P	97-10-089	260-24-240	REP-P	97-21-092	260-24-480	REP-P	97-04-060
251-20-020	AMD	97-13-045	260-24-250	REP-P	97-04-060	260-24-480	REP-W	97-17-043
260-24-010	REP-P	97-04-060	260-24-250	REP-W	97-17-043	260-24-480	REP-P	97-21-092
260-24-010	REP-W	97-17-043	260-24-250	REP-P	97-21-092	260-24-500	NEW-P	97-04-060
260-24-010	REP-P	97-21-092	260-24-260	REP-P	97-04-060	260-24-500	NEW-W	97-17-043
260-24-020	REP-P	97-04-060	260-24-260	REP-W	97-17-043	260-24-500	NEW-P	97-21-092
260-24-020	REP-W	97-17-043	260-24-260	REP-P	97-21-092	260-24-510	NEW-P	97-04-060
260-24-020	REP-P	97-21-092	260-24-270	REP-P	97-04-060	260-24-510	NEW-W	97-17-043
260-24-030	REP-P	97-04-060	260-24-270	REP-W	97-17-043	260-24-510	NEW-P	97-21-092
260-24-030	REP-W	97-17-043	260-24-270	REP-P	97-21-092	260-24-520	NEW-P	97-04-060
260-24-030	REP-P	97-21-092	260-24-280	REP-P	97-04-060	260-24-520	NEW-W	97-17-043
260-24-040	REP-P	97-04-060	260-24-280	REP-W	97-17-043	260-24-520	NEW-P	97-21-092
260-24-040	REP-W	97-17-043	260-24-280	REP-P	97-21-092	260-24-530	NEW-P	97-04-060
260-24-040	REP-P	97-21-092	260-24-290	REP-P	97-04-060	260-24-530	NEW-W	97-17-043
260-24-050	REP-P	97-04-060	260-24-290	REP-W	97-17-043	260-24-530	NEW-P	97-21-092
260-24-050	REP-W	97-17-043	260-24-290	REP-P	97-21-092	260-24-540	NEW-P	97-04-060
260-24-050	REP-P	97-21-092	260-24-300	REP-P	97-04-060	260-24-540	NEW-W	97-17-043
260-24-060	REP-P	97-04-060	260-24-300	REP-W	97-17-043	260-24-540	NEW-P	97-21-092
260-24-060	REP-W	97-17-043	260-24-300	REP-P	97-21-092	260-24-550	NEW-P	97-04-060
260-24-060	REP-P	97-21-092	260-24-310	REP-P	97-04-060	260-24-550	NEW-W	97-17-043
260-24-070	REP-P	97-04-060	260-24-310	REP-W	97-17-043	260-24-550	NEW-P	97-21-092
260-24-070	REP-W	97-17-043	260-24-310	REP-P	97-21-092	260-24-560	NEW-P	97-04-060
260-24-070	REP-P	97-21-092	260-24-320	REP-P	97-04-060	260-24-560	NEW-W	97-17-043
260-24-080	REP-P	97-04-060	260-24-320	REP-W	97-17-043	260-24-560	NEW-P	97-21-092
260-24-080	REP-W	97-17-043	260-24-320	REP-P	97-21-092	260-24-570	NEW-P	97-04-060
260-24-080	REP-P	97-21-092	260-24-330	REP-P	97-04-060	260-24-570	NEW-W	97-17-043

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
260-24-570	NEW-P	97-21-092	262-03-060	NEW	97-16-019	275-60-500	PREP-X	97-14-071
260-24-580	NEW-P	97-04-060	262-03-070	NEW-P	97-11-063	275-60-500	REP	97-18-052
260-24-580	NEW-W	97-17-043	262-03-070	NEW	97-16-019	275-60-510	PREP-X	97-14-071
260-24-580	NEW-P	97-21-092	262-03-080	NEW-P	97-11-063	275-60-510	REP	97-18-052
260-24-590	NEW-P	97-04-060	262-03-080	NEW	97-16-019	275-60-520	PREP-X	97-14-071
260-24-590	NEW-W	97-17-043	262-03-090	NEW-P	97-11-063	275-60-520	REP	97-18-052
260-24-590	NEW-P	97-21-092	262-03-090	NEW	97-16-019	275-76-005	PREP	97-15-131
260-24-600	NEW-P	97-04-060	262-04	PREP	97-14-025	275-76-005	REP-P	97-19-102
260-24-600	NEW-W	97-17-043	275-27-023	AMD-E	97-03-033	275-76-010	PREP	97-15-131
260-24-600	NEW-P	97-21-092	275-27-023	AMD-P	97-08-007	275-76-010	REP-P	97-19-102
260-24-610	NEW-P	97-04-060	275-27-023	AMD-E	97-11-009	275-76-020	PREP	97-15-131
260-24-610	NEW-W	97-17-043	275-27-023	AMD	97-13-051	275-76-020	REP-P	97-19-102
260-24-610	NEW-P	97-21-092	275-27-220	AMD-E	97-03-033	275-76-030	PREP	97-15-131
260-24-620	NEW-P	97-04-060	275-27-220	AMD-P	97-08-007	275-76-030	REP-P	97-19-102
260-24-620	NEW-W	97-17-043	275-27-220	AMD-E	97-11-009	275-76-040	PREP	97-15-131
260-24-620	NEW-P	97-21-092	275-27-220	AMD	97-13-051	275-76-040	REP-P	97-19-102
260-24-630	NEW-P	97-04-060	275-27-221	REP-E	97-03-033	275-76-050	PREP	97-15-131
260-24-630	NEW-W	97-17-043	275-27-221	REP-P	97-08-007	275-76-050	REP-P	97-19-102
260-24-630	NEW-P	97-21-092	275-27-221	REP-E	97-11-009	275-76-060	PREP	97-15-131
260-24-640	NEW-P	97-04-060	275-27-221	REP	97-13-051	275-76-060	REP-P	97-19-102
260-24-640	NEW-W	97-17-043	275-27-222	NEW-P	97-08-007	275-76-070	PREP	97-15-131
260-24-640	NEW-P	97-21-092	275-27-222	NEW-E	97-11-009	275-76-070	REP-P	97-19-102
260-24-650	NEW-P	97-04-060	275-27-222	NEW	97-13-051	275-76-080	PREP	97-15-131
260-24-650	NEW-W	97-17-043	275-27-223	AMD-E	97-03-033	275-76-080	REP-P	97-19-102
260-24-650	NEW-P	97-21-092	275-27-223	AMD-P	97-08-007	275-76-090	PREP	97-15-131
260-24-660	NEW-P	97-04-060	275-27-223	AMD-E	97-11-009	275-76-090	REP-P	97-19-102
260-24-660	NEW-W	97-17-043	275-27-223	AMD	97-13-051	275-76-100	PREP	97-15-131
260-24-660	NEW-P	97-21-092	275-27-400	AMD-E	97-03-033	275-76-100	REP-P	97-19-102
260-24-670	NEW-P	97-04-060	275-27-400	AMD-P	97-08-007	275-76-110	PREP	97-15-131
260-24-670	NEW-W	97-17-043	275-27-400	AMD-E	97-11-009	275-76-110	REP-P	97-19-102
260-24-670	NEW-P	97-21-092	275-27-400	AMD	97-13-051	275-76-120	PREP	97-15-131
260-24-680	NEW-P	97-04-060	275-30	PREP	97-19-103	275-76-120	REP-P	97-19-102
260-24-680	NEW-W	97-17-043	275-30-020	REP-P	97-19-102	275-76-130	PREP	97-15-131
260-24-680	NEW-P	97-21-092	275-33-010	REP-P	97-19-102	275-76-130	REP-P	97-19-102
260-24-690	NEW-P	97-04-060	275-46-005	REP-P	97-19-102	275-76-140	PREP	97-15-131
260-24-690	NEW-W	97-17-043	275-48-010	PREP	97-15-131	275-76-140	REP-P	97-19-102
260-24-690	NEW-P	97-21-092	275-48-010	REP-P	97-19-102	275-76-150	PREP	97-15-131
260-24-700	NEW-P	97-04-060	275-48-015	PREP	97-15-131	275-76-150	REP-P	97-19-102
260-24-700	NEW-W	97-17-043	275-48-015	REP-P	97-19-102	275-80-805	PREP	97-15-131
260-24-700	NEW-P	97-21-092	275-48-020	PREP	97-15-131	275-80-805	REP-P	97-19-102
260-32	PREP	97-04-059	275-48-020	REP-P	97-19-102	275-80-810	PREP	97-15-131
260-32-370	NEW-P	97-21-093	275-48-025	PREP	97-15-131	275-80-810	REP-P	97-19-102
260-48	PREP	97-04-058	275-48-025	REP-P	97-19-102	275-80-815	PREP	97-15-131
260-48-890	AMD-P	97-21-094	275-48-030	PREP	97-15-131	275-80-815	REP-P	97-19-102
262-01-030	PREP	97-06-112	275-48-030	REP-P	97-19-102	275-80-840	PREP	97-15-131
262-01-030	AMD-P	97-09-091	275-48-035	PREP	97-15-131	275-80-840	REP-P	97-19-102
262-01-030	AMD-W	97-10-060	275-48-035	REP-P	97-19-102	275-80-842	PREP	97-15-131
262-01-030	AMD-P	97-11-065	275-48-040	PREP	97-15-131	275-80-842	REP-P	97-19-102
262-01-030	AMD	97-16-021	275-48-040	REP-P	97-19-102	275-80-844	PREP	97-15-131
262-01-130	NEW-P	97-17-078	275-48-045	PREP	97-15-131	275-80-844	REP-P	97-19-102
262-01-130	NEW	97-20-086	275-48-045	REP-P	97-19-102	275-80-846	PREP	97-15-131
262-02-020	PREP	97-06-112	275-48-050	PREP	97-15-131	275-80-846	REP-P	97-19-102
262-02-020	AMD-P	97-09-090	275-48-050	REP-P	97-19-102	275-80-848	PREP	97-15-131
262-02-020	AMD-W	97-10-060	275-60-010	PREP-X	97-14-071	275-80-848	REP-P	97-19-102
262-02-020	AMD-P	97-11-064	275-60-010	REP	97-18-052	275-80-852	PREP	97-15-131
262-02-020	AMD	97-16-020	275-60-020	PREP-X	97-14-071	275-80-852	REP-P	97-19-102
262-02-030	PREP	97-06-112	275-60-020	REP	97-18-052	275-80-854	PREP	97-15-131
262-02-030	AMD-P	97-09-090	275-60-030	PREP-X	97-14-071	275-80-854	REP-P	97-19-102
262-02-030	AMD-W	97-10-060	275-60-030	REP	97-18-052	275-80-860	PREP	97-15-131
262-02-030	AMD-P	97-11-064	275-60-040	PREP-X	97-14-071	275-80-860	REP-P	97-19-102
262-02-030	AMD	97-16-020	275-60-040	REP	97-18-052	275-80-870	PREP	97-15-131
262-03	PREP	97-07-068	275-60-050	PREP-X	97-14-071	275-80-870	REP-P	97-19-102
262-03-010	NEW-P	97-11-063	275-60-050	REP	97-18-052	275-80-872	PREP	97-15-131
262-03-010	NEW	97-16-019	275-60-060	PREP-X	97-14-071	275-80-872	REP-P	97-19-102
262-03-020	NEW-P	97-11-063	275-60-060	REP	97-18-052	275-80-876	PREP	97-15-131
262-03-020	NEW	97-16-019	275-60-070	PREP-X	97-14-071	275-80-876	REP-P	97-19-102
262-03-030	NEW-P	97-11-063	275-60-070	REP	97-18-052	275-80-878	PREP	97-15-131
262-03-030	NEW	97-16-019	275-60-200	PREP-X	97-14-071	275-80-878	REP-P	97-19-102
262-03-040	NEW-P	97-11-063	275-60-200	REP	97-18-052	275-80-890	PREP	97-15-131
262-03-040	NEW	97-16-019	275-60-300	PREP-X	97-14-071	275-80-890	REP-P	97-19-102
262-03-050	NEW-P	97-11-063	275-60-300	REP	97-18-052	275-80-895	PREP	97-15-131
262-03-050	NEW	97-16-019	275-60-400	PREP-X	97-14-071	275-80-895	REP-P	97-19-102
262-03-060	NEW-P	97-11-063	275-60-400	REP	97-18-052	275-80-900	PREP	97-15-131

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
275-80-900	REP-P	97-19-102	284-13-505	NEW	97-05-012	284-43-710	NEW-P	97-21-151
275-80-905	PREP	97-15-131	284-13-515	NEW	97-05-012	284-43-720	NEW-P	97-21-155
275-80-905	REP-P	97-19-102	284-13-520	AMD	97-05-012	284-43-730	NEW-P	97-21-155
275-80-910	PREP	97-15-131	284-13-530	NEW	97-05-012	284-43-800	NEW-P	97-21-155
275-80-910	REP-P	97-19-102	284-13-535	NEW	97-05-012	284-43-900	NEW-P	97-20-139
275-80-915	PREP	97-15-131	284-13-540	AMD	97-05-012	284-43-900	NEW-C	97-21-151
275-80-915	REP-P	97-19-102	284-13-550	AMD	97-05-012	284-43-905	NEW-P	97-20-139
275-80-920	PREP	97-15-131	284-13-560	AMD	97-05-012	284-43-905	NEW-C	97-21-151
275-80-920	REP-P	97-19-102	284-13-570	AMD	97-05-012	284-43-910	NEW-P	97-20-139
275-80-925	PREP	97-15-131	284-13-590	AMD	97-05-012	284-43-910	NEW-C	97-21-151
275-80-925	REP-P	97-19-102	284-13-595	NEW	97-05-012	284-43-915	NEW-P	97-20-139
275-80-930	PREP	97-15-131	284-17-220	AMD-P	97-15-150	284-43-915	NEW-C	97-21-151
275-80-930	REP-P	97-19-102	284-17-220	AMD	97-19-007	284-43-920	NEW-P	97-20-139
275-80-935	PREP	97-15-131	284-23	PREP	97-20-140	284-43-920	NEW-C	97-21-151
275-80-935	REP-P	97-19-102	284-30-395	NEW-S	97-03-090	284-43-925	NEW-P	97-20-139
275-80-940	PREP	97-15-131	284-30-395	NEW-C	97-08-045	284-43-925	NEW-C	97-21-151
275-80-940	REP-P	97-19-102	284-30-395	NEW-C	97-11-010	284-43-930	NEW-P	97-20-139
275-80-995	PREP	97-15-131	284-30-395	NEW	97-13-005	284-43-930	NEW-C	97-21-151
275-80-995	REP-P	97-19-102	284-43	AMD-P	97-21-155	284-43-935	NEW-P	97-20-139
275-110-010	PREP	97-15-131	284-43-040	REP-P	97-21-155	284-43-935	NEW-C	97-21-151
275-110-020	PREP	97-15-131	284-43-100	REP-P	97-21-155	284-43-940	NEW-P	97-20-139
275-110-030	PREP	97-15-131	284-43-110	NEW-W	97-08-044	284-43-940	NEW-C	97-21-151
275-110-040	PREP	97-15-131	284-43-110	NEW-P	97-21-155	284-43-945	NEW-P	97-20-139
275-110-050	PREP	97-15-131	284-43-120	NEW-W	97-08-044	284-43-945	NEW-C	97-21-151
275-110-060	PREP	97-15-131	284-43-120	NEW-P	97-21-155	284-43-950	NEW-P	97-20-139
275-110-070	PREP	97-15-131	284-43-130	NEW-W	97-08-044	284-43-950	NEW-C	97-21-151
275-110-080	PREP	97-15-131	284-43-130	NEW-P	97-21-155	284-43-955	NEW-P	97-20-139
275-110-090	PREP	97-15-131	284-43-200	NEW-W	97-08-044	284-43-955	NEW-C	97-21-151
275-110-100	PREP	97-15-131	284-43-200	NEW-P	97-21-155	284-44-100	REP-P	97-20-139
275-110-110	PREP	97-15-131	284-43-210	NEW-W	97-08-044	284-44-100	REP-C	97-21-151
275-110-120	PREP	97-15-131	284-43-210	NEW-P	97-21-155	284-44-110	REP-P	97-20-139
275-150-010	PREP	97-15-131	284-43-220	NEW-P	97-21-155	284-44-110	REP-C	97-21-151
275-150-010	REP-P	97-19-102	284-43-250	NEW-P	97-21-155	284-44-120	REP-P	97-20-139
275-150-020	PREP	97-15-131	284-43-300	NEW-W	97-08-044	284-44-120	REP-C	97-21-151
275-150-020	REP-P	97-19-102	284-43-300	NEW-P	97-21-155	284-44-130	REP-P	97-20-139
275-150-030	PREP	97-15-131	284-43-310	NEW-W	97-08-044	284-44-130	REP-C	97-21-151
275-150-030	REP-P	97-19-102	284-43-310	NEW-P	97-21-155	284-44-140	REP-P	97-20-139
275-150-040	PREP	97-15-131	284-43-320	NEW-W	97-08-044	284-44-140	REP-C	97-21-151
275-150-040	REP-P	97-19-102	284-43-320	NEW-P	97-21-155	284-44-150	REP-P	97-20-139
275-150-050	PREP	97-15-131	284-43-330	NEW-W	97-08-044	284-44-150	REP-C	97-21-151
275-150-050	REP-P	97-19-102	284-43-330	NEW-P	97-21-155	284-44-160	REP-P	97-20-139
275-150-060	PREP	97-15-131	284-43-340	NEW-W	97-08-044	284-44-160	REP-C	97-21-151
275-150-060	REP-P	97-19-102	284-43-340	NEW-P	97-21-155	284-44-190	REP-P	97-20-139
275-150-070	PREP	97-15-131	284-43-350	NEW-W	97-08-044	284-44-190	REP-C	97-21-151
275-150-070	REP-P	97-19-102	284-43-360	NEW-W	97-08-044	284-44-200	REP-P	97-20-139
275-150-080	PREP	97-15-131	284-43-400	NEW-W	97-08-044	284-44-200	REP-C	97-21-151
275-150-080	REP-P	97-19-102	284-43-400	NEW-P	97-21-155	284-44-210	REP-P	97-20-139
275-150-090	PREP	97-15-131	284-43-410	NEW-W	97-08-044	284-44-210	REP-C	97-21-151
275-150-090	REP-P	97-19-102	284-43-410	NEW-P	97-21-155	284-44-220	REP-P	97-20-139
275-155	AMD-P	97-11-044	284-43-420	NEW-W	97-08-044	284-44-220	REP-C	97-21-151
275-155-005	AMD-P	97-11-044	284-43-420	NEW-P	97-21-155	284-44-240	REP-W	97-08-044
275-155-010	AMD-P	97-11-044	284-43-500	NEW-W	97-08-044	284-44-240	REP-P	97-21-155
275-155-070	NEW-P	97-11-044	284-43-510	NEW-W	97-08-044	284-44-410	REP-W	97-08-044
275-155-080	NEW-P	97-11-044	284-43-520	NEW-W	97-08-044	284-44-410	REP-P	97-21-155
275-155-090	NEW-P	97-11-044	284-43-530	NEW-W	97-08-044	284-46-020	REP-P	97-21-155
275-155-100	NEW-P	97-11-044	284-43-540	NEW-W	97-08-044	284-46-575	REP-W	97-08-044
275-155-110	NEW-P	97-11-044	284-43-550	NEW-W	97-08-044	284-46-575	REP-P	97-21-155
275-155-120	NEW-P	97-11-044	284-43-560	NEW-W	97-08-044	284-51-050	PREP	97-04-074
275-155-130	NEW-P	97-11-044	284-43-600	NEW-W	97-08-044	284-54-750	NEW-P	97-15-150
275-155-140	NEW-P	97-11-044	284-43-610	NEW-W	97-08-044	284-54-750	NEW	97-19-007
284-04	NEW-C	97-03-023	284-43-610	NEW-P	97-21-155	284-74-010	PREP	97-20-141
284-04	NEW-C	97-03-120	284-43-620	NEW-W	97-08-044	284-85-085	AMD-P	97-15-150
284-04	NEW-C	97-08-091	284-43-620	NEW-P	97-21-155	284-85-085	AMD	97-19-007
284-04	NEW-W	97-10-072	284-43-630	NEW-W	97-08-044	286-13-040	PREP	97-08-079
284-10-010	REP-P	97-21-155	284-43-630	NEW-P	97-21-155	286-13-040	AMD-P	97-12-027
284-10-015	REP-P	97-21-155	284-43-640	NEW-W	97-08-044	286-13-040	AMD	97-17-004
284-10-020	REP-P	97-21-155	284-43-640	NEW-P	97-21-155	286-13-045	AMD-P	97-04-006
284-10-030	REP-P	97-21-155	284-43-650	NEW-W	97-08-044	286-13-045	AMD	97-08-003
284-10-050	REP-P	97-21-155	284-43-650	NEW-P	97-21-155	286-13-085	AMD-P	97-04-006
284-10-060	REP-P	97-21-155	284-43-700	NEW-C	97-05-006	286-13-085	AMD	97-08-006
284-10-070	REP-P	97-21-155	284-43-700	NEW-C	97-08-046	286-13-110	AMD-P	97-04-006
284-10-090	REP-P	97-21-155	284-43-700	NEW-W	97-11-001	286-13-110	AMD	97-08-003
284-10-140	REP-P	97-21-155	284-43-700	NEW-P	97-21-155	286-13-110	PREP	97-08-079

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
286-13-110	AMD-P	97-12-027	296-10-160	PREP-X	97-13-034	296-11-120	DECOD	97-08-042
286-13-110	AMD	97-17-004	296-10-160	REP	97-17-064	296-11-130	DECOD	97-08-042
286-13-115	PREP	97-08-079	296-10-170	PREP-X	97-13-034	296-11-140	DECOD	97-08-042
286-13-115	AMD-P	97-12-027	296-10-170	REP	97-17-064	296-11-150	DECOD	97-08-042
286-13-115	AMD	97-17-004	296-10-180	PREP-X	97-13-034	296-11-160	DECOD	97-08-042
286-26-080	AMD-P	97-04-006	296-10-180	REP	97-17-064	296-11-170	DECOD	97-08-042
286-26-080	AMD	97-08-003	296-10-190	PREP-X	97-13-034	296-11-180	DECOD	97-08-042
286-27-040	AMD-P	97-04-006	296-10-190	REP	97-17-064	296-11-190	DECOD	97-08-042
286-27-040	AMD	97-08-003	296-10-200	PREP-X	97-13-034	296-11-200	DECOD	97-08-042
286-27-050	REP-P	97-04-006	296-10-200	REP	97-17-064	296-11-210	DECOD	97-08-042
286-27-050	REP	97-08-003	296-10-210	PREP-X	97-13-034	296-11-220	DECOD	97-08-042
286-35-030	AMD-P	97-04-006	296-10-210	REP	97-17-064	296-11-230	DECOD	97-08-042
286-35-030	AMD	97-08-003	296-10-220	PREP-X	97-13-034	296-11-240	DECOD	97-08-042
286-35-040	REP-P	97-04-006	296-10-220	REP	97-17-064	296-11-250	DECOD	97-08-042
286-35-040	REP	97-08-003	296-10-370	PREP-X	97-13-034	296-11-260	DECOD	97-08-042
286-40-020	AMD-P	97-04-006	296-10-370	REP	97-17-064	296-11-270	DECOD	97-08-042
286-40-020	AMD	97-08-003	296-10-380	PREP-X	97-13-034	296-11-280	DECOD	97-08-042
287-04-029	NEW-XA	97-20-060	296-10-380	REP	97-17-064	296-11-290	DECOD	97-08-042
287-04-031	AMD-XA	97-20-060	296-10-390	PREP-X	97-13-034	296-11-300	DECOD	97-08-042
287-04-032	NEW-XA	97-20-060	296-10-390	REP	97-17-064	296-11-310	DECOD	97-08-042
287-04-033	NEW-XA	97-20-060	296-10-400	PREP-X	97-13-034	296-11-320	DECOD	97-08-042
287-04-034	NEW-XA	97-20-060	296-10-400	REP	97-17-064	296-11-330	DECOD	97-08-042
287-04-038	NEW-XA	97-20-060	296-10-410	PREP-X	97-13-034	296-11-340	DECOD	97-08-042
287-04-039	NEW-XA	97-20-060	296-10-410	REP	97-17-064	296-11-350	DECOD	97-08-042
292-09-010	AMD-P	97-05-022	296-10-420	PREP-X	97-13-034	296-11-360	DECOD	97-08-042
292-09-010	AMD	97-13-069	296-10-420	REP	97-17-064	296-11-370	DECOD	97-08-042
292-11-010	NEW-S	97-05-023	296-10-430	PREP-X	97-13-034	296-11-380	DECOD	97-08-042
292-11-010	NEW	97-13-075	296-10-430	REP	97-17-064	296-11-390	DECOD	97-08-042
292-11-020	NEW-S	97-05-023	296-10-440	PREP-X	97-13-034	296-11-400	DECOD	97-08-042
292-11-020	NEW	97-13-075	296-10-440	REP	97-17-064	296-11-410	DECOD	97-08-042
292-11-030	NEW-W	97-09-057	296-10-450	PREP-X	97-13-034	296-11-420	DECOD	97-08-042
292-110-010	PREP	97-13-006	296-10-450	REP	97-17-064	296-11-430	DECOD	97-08-042
292-110-010	AMD-P	97-21-076	296-10-460	PREP-X	97-13-034	296-11-440	DECOD	97-08-042
292-110-050	NEW-P	97-20-098	296-10-460	REP	97-17-064	296-11-450	DECOD	97-08-042
292-110-060	NEW-P	97-20-099	296-10-470	PREP-X	97-13-034	296-11-460	DECOD	97-08-042
292-120-010	NEW-P	97-03-133	296-10-470	REP	97-17-064	296-11-470	DECOD	97-08-042
292-120-010	NEW	97-07-058	296-10-480	PREP-X	97-13-034	296-11-480	DECOD	97-08-042
292-120-020	NEW-P	97-03-133	296-10-480	REP	97-17-064	296-11-490	DECOD	97-08-042
292-120-020	NEW	97-07-058	296-10-490	PREP-X	97-13-034	296-11-500	DECOD	97-08-042
292-120-030	NEW-P	97-03-133	296-10-490	REP	97-17-064	296-11-510	DECOD	97-08-042
292-120-030	NEW	97-07-058	296-10-500	PREP-X	97-13-034	296-11-520	DECOD	97-08-042
292-120-040	NEW-P	97-03-133	296-10-500	REP	97-17-064	296-11-530	DECOD	97-08-042
292-120-040	NEW	97-07-058	296-10-510	PREP-X	97-13-034	296-11-540	DECOD	97-08-042
296-10-010	PREP-X	97-13-034	296-10-510	REP	97-17-064	296-11-550	DECOD	97-08-042
296-10-010	REP	97-17-064	296-10-520	PREP-X	97-13-034	296-11-560	DECOD	97-08-042
296-10-020	PREP-X	97-13-034	296-10-520	REP	97-17-064	296-11-570	DECOD	97-08-042
296-10-020	REP	97-17-064	296-10-530	PREP-X	97-13-034	296-11-580	DECOD	97-08-042
296-10-030	PREP-X	97-13-034	296-10-530	REP	97-17-064	296-11-590	DECOD	97-08-042
296-10-030	REP	97-17-064	296-10-540	PREP-X	97-13-034	296-17	PREP	97-15-139
296-10-040	PREP-X	97-13-034	296-10-540	REP	97-17-064	296-17	PREP	97-15-140
296-10-040	REP	97-17-064	296-10-550	PREP-X	97-13-034	296-17	PREP	97-15-141
296-10-050	PREP-X	97-13-034	296-10-550	REP	97-17-064	296-17	PREP	97-15-142
296-10-050	REP	97-17-064	296-10-560	PREP-X	97-13-034	296-17-45003	AMD	97-06-007
296-10-060	PREP-X	97-13-034	296-10-560	REP	97-17-064	296-17-45003	AMD-E	97-08-043
296-10-060	REP	97-17-064	296-10-570	PREP-X	97-13-034	296-17-45003	AMD-P	97-08-051
296-10-070	PREP-X	97-13-034	296-10-570	REP	97-17-064	296-17-45003	AMD	97-12-011
296-10-070	REP	97-17-064	296-10-580	PREP-X	97-13-034	296-17-45006	NEW	97-06-007
296-10-080	PREP-X	97-13-034	296-10-580	REP	97-17-064	296-17-45006	AMD-E	97-08-043
296-10-080	REP	97-17-064	296-10-590	PREP-X	97-13-034	296-17-45006	AMD-P	97-08-051
296-10-090	PREP-X	97-13-034	296-10-590	REP	97-17-064	296-17-45006	AMD	97-12-011
296-10-090	REP	97-17-064	296-11-001	DECOD	97-08-042	296-17-52107	REP	97-06-007
296-10-100	PREP-X	97-13-034	296-11-003	DECOD	97-08-042	296-17-52112	REP	97-06-007
296-10-100	REP	97-17-064	296-11-010	DECOD	97-08-042	296-17-52114	NEW	97-06-007
296-10-110	PREP-X	97-13-034	296-11-020	DECOD	97-08-042	296-17-52114	REP-E	97-08-043
296-10-110	REP	97-17-064	296-11-030	DECOD	97-08-042	296-17-52114	REP-P	97-08-051
296-10-120	PREP-X	97-13-034	296-11-040	DECOD	97-08-042	296-17-52114	REP	97-12-011
296-10-120	REP	97-17-064	296-11-050	DECOD	97-08-042	296-17-52115	NEW	97-06-007
296-10-130	PREP-X	97-13-034	296-11-060	DECOD	97-08-042	296-17-52115	REP-E	97-08-043
296-10-130	REP	97-17-064	296-11-070	DECOD	97-08-042	296-17-52115	REP-P	97-08-051
296-10-140	PREP-X	97-13-034	296-11-080	DECOD	97-08-042	296-17-52115	REP	97-12-011
296-10-140	REP	97-17-064	296-11-090	DECOD	97-08-042	296-17-52116	NEW	97-06-007
296-10-150	PREP-X	97-13-034	296-11-100	DECOD	97-08-042	296-17-52117	NEW	97-06-007
296-10-150	REP	97-17-064	296-11-110	DECOD	97-08-042	296-17-52117	REP-E	97-08-043

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-17-52117	REP-P	97-08-051	296-23A-0100	NEW	97-06-066	296-23A-315	REP	97-06-066
296-17-52117	REP	97-12-011	296-23A-0110	NEW	97-06-066	296-23A-320	REP	97-06-066
296-17-52118	NEW-E	97-08-043	296-23A-0120	NEW	97-06-066	296-23A-400	REP	97-06-066
296-17-52118	NEW-P	97-08-051	296-23A-0130	NEW	97-06-066	296-23A-430	REP	97-06-066
296-17-52118	NEW	97-12-011	296-23A-0140	NEW	97-06-066	296-24	PREP	97-11-051
296-17-52119	NEW-E	97-08-043	296-23A-0150	NEW	97-06-066	296-24-07801	AMD-P	97-03-085
296-17-52119	NEW-P	97-08-051	296-23A-0160	NEW	97-06-066	296-24-07801	AMD	97-11-055
296-17-52119	NEW	97-12-011	296-23A-0170	NEW	97-06-066	296-24-084	AMD-P	97-03-085
296-17-52120	NEW-E	97-08-043	296-23A-0180	NEW	97-06-066	296-24-084	AMD	97-11-055
296-17-52120	NEW-P	97-08-051	296-23A-0190	NEW	97-06-066	296-24-088	AMD-P	97-03-085
296-17-52120	NEW	97-12-011	296-23A-0195	NEW	97-06-066	296-24-088	AMD	97-11-055
296-17-52121	NEW-E	97-08-043	296-23A-0200	NEW	97-06-066	296-24-060	REP-P	97-17-079
296-17-52121	NEW-P	97-08-051	296-23A-0210	NEW	97-06-066	296-24-061	NEW-P	97-17-079
296-17-52121	NEW	97-12-011	296-23A-0220	NEW	97-06-066	296-24-06105	NEW-P	97-17-079
296-17-52122	NEW-E	97-08-043	296-23A-0230	NEW	97-06-066	296-24-06110	NEW-P	97-17-079
296-17-52122	NEW-P	97-08-051	296-23A-0240	NEW	97-06-066	296-24-06115	NEW-P	97-17-079
296-17-52122	NEW	97-12-011	296-23A-0250	NEW	97-06-066	296-24-06120	NEW-P	97-17-079
296-17-52123	NEW-E	97-08-043	296-23A-0300	NEW	97-06-066	296-24-06125	NEW-P	97-17-079
296-17-52123	NEW-P	97-08-051	296-23A-0310	NEW	97-06-066	296-24-06130	NEW-P	97-17-079
296-17-52123	NEW	97-12-011	296-23A-0350	NEW	97-06-066	296-24-06135	NEW-P	97-17-079
296-17-52124	NEW-E	97-08-043	296-23A-0360	NEW	97-06-066	296-24-06140	NEW-P	97-17-079
296-17-52124	NEW-P	97-08-051	296-23A-0400	NEW	97-06-066	296-24-06145	NEW-P	97-17-079
296-17-52124	NEW	97-12-011	296-23A-0410	NEW	97-06-066	296-24-06150	NEW-P	97-17-079
296-17-52125	NEW-E	97-08-043	296-23A-0420	NEW	97-06-066	296-24-06155	NEW-P	97-17-079
296-17-52125	NEW-P	97-08-051	296-23A-0430	NEW	97-06-066	296-24-06160	NEW-P	97-17-079
296-17-52125	NEW	97-12-011	296-23A-0440	NEW	97-06-066	296-24-065	REP-P	97-17-079
296-17-52126	NEW-E	97-08-043	296-23A-0450	NEW	97-06-066	296-24-067	REP-P	97-17-079
296-17-52126	NEW-P	97-08-051	296-23A-0460	NEW	97-06-066	296-24-18005	AMD-P	97-21-041
296-17-52126	NEW	97-12-011	296-23A-0470	NEW	97-06-066	296-24-205	AMD-P	97-21-146
296-17-855	AMD-P	97-19-095	296-23A-0480	NEW	97-06-066	296-24-20501	AMD-P	97-21-146
296-17-875	AMD-P	97-19-095	296-23A-0490	NEW	97-06-066	296-24-20503	AMD-P	97-21-146
296-17-880	AMD-P	97-19-095	296-23A-0500	NEW	97-06-066	296-24-20505	AMD-P	97-21-146
296-17-885	AMD-P	97-19-095	296-23A-0520	NEW	97-06-066	296-24-20507	AMD-P	97-21-146
296-17-890	AMD-P	97-19-095	296-23A-0530	NEW	97-06-066	296-24-20509	AMD-P	97-21-146
296-17-895	AMD-P	97-19-095	296-23A-0540	NEW	97-06-066	296-24-20511	AMD-P	97-21-146
296-17-89502	NEW	97-06-007	296-23A-0550	NEW	97-06-066	296-24-20513	AMD-P	97-21-146
296-17-89502	AMD-E	97-08-043	296-23A-0560	NEW	97-06-066	296-24-20515	AMD-P	97-21-146
296-17-89502	AMD-P	97-08-051	296-23A-0570	NEW	97-06-066	296-24-20517	AMD-P	97-21-146
296-17-89502	AMD	97-12-011	296-23A-0575	NEW	97-06-066	296-24-20519	AMD-P	97-21-146
296-17-89502	AMD-P	97-19-095	296-23A-0580	NEW	97-06-066	296-24-20521	AMD-P	97-21-146
296-17-919	AMD-P	97-19-095	296-23A-0600	NEW	97-06-066	296-24-20523	AMD-P	97-21-146
296-17-91901	AMD-P	97-19-095	296-23A-0610	NEW	97-06-066	296-24-20525	AMD-P	97-21-146
296-17-91902	AMD-P	97-19-095	296-23A-0620	NEW	97-06-066	296-24-20527	AMD-P	97-21-146
296-17-91903	AMD-P	97-19-095	296-23A-100	REP	97-06-066	296-24-20529	AMD-P	97-21-146
296-17-91904	AMD-P	97-19-095	296-23A-105	REP	97-06-066	296-24-20531	AMD-P	97-21-146
296-17-91905	AMD-P	97-19-095	296-23A-106	REP	97-06-066	296-24-20533	AMD-P	97-21-146
296-17-920	AMD-P	97-19-095	296-23A-110	REP	97-06-066	296-24-20535	AMD-P	97-21-146
296-20	PREP	97-02-096	296-23A-115	REP	97-06-066	296-24-67505	AMD-P	97-13-062
296-20-125	PREP	97-02-097	296-23A-120	REP	97-06-066	296-24-67507	AMD-P	97-13-062
296-20-135	PREP	97-02-097	296-23A-125	REP	97-06-066	296-24-67509	AMD-P	97-13-062
296-20-135	AMD-P	97-05-076	296-23A-130	REP	97-06-066	296-24-67511	AMD-P	97-13-062
296-20-135	AMD	97-10-017	296-23A-135	REP	97-06-066	296-24-67513	AMD-P	97-13-062
296-20-200	AMD	97-09-036	296-23A-140	REP	97-06-066	296-24-67515	AMD-P	97-13-062
296-20-210	AMD	97-09-036	296-23A-145	REP	97-06-066	296-24-67517	AMD-P	97-13-062
296-20-220	AMD	97-09-036	296-23A-150	REP	97-06-066	296-24-67519	AMD-P	97-13-062
296-23	PREP	97-02-096	296-23A-155	REP	97-06-066	296-24-67520	NEW-P	97-13-062
296-23-190	REP-P	97-19-090	296-23A-160	REP	97-06-066	296-24-67521	NEW-P	97-13-062
296-23-210	REP-P	97-19-090	296-23A-165	REP	97-06-066	296-24-677	REP-P	97-13-062
296-23-220	PREP	97-02-097	296-23A-170	REP	97-06-066	296-24-67701	REP-P	97-13-062
296-23-220	AMD-P	97-05-076	296-23A-175	REP	97-06-066	296-24-070	REP-P	97-17-079
296-23-220	AMD	97-10-017	296-23A-180	REP	97-06-066	296-27-15503	AMD-P	97-03-085
296-23-230	PREP	97-02-097	296-23A-185	REP	97-06-066	296-27-15503	AMD	97-11-054
296-23-230	AMD-P	97-05-076	296-23A-190	REP	97-06-066	296-44	PREP	97-16-119
296-23-230	AMD	97-10-017	296-23A-200	REP	97-06-066	296-44-005	REP-P	97-21-071
296-23-265	AMD	97-09-036	296-23A-205	REP	97-06-066	296-44-010	REP-P	97-21-071
296-23-26501	NEW	97-09-036	296-23A-210	REP	97-06-066	296-44-011	REP-P	97-21-071
296-23-26502	NEW	97-09-036	296-23A-215	REP	97-06-066	296-44-013	REP-P	97-21-071
296-23-26503	NEW	97-09-036	296-23A-220	REP	97-06-066	296-44-015	REP-P	97-21-071
296-23-26504	NEW	97-09-036	296-23A-225	REP	97-06-066	296-44-016	REP-P	97-21-071
296-23-26505	NEW	97-09-036	296-23A-230	REP	97-06-066	296-44-017	REP-P	97-21-071
296-23-26506	NEW	97-09-036	296-23A-235	REP	97-06-066	296-44-023	REP-P	97-21-071
296-23-267	NEW	97-09-036	296-23A-300	REP	97-06-066	296-44-02301	REP-P	97-21-071
296-23A	PREP	97-02-097	296-23A-310	REP	97-06-066	296-44-02305	REP-P	97-21-071

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-45-17540	NEW-P	97-21-147	296-45-65029	REP-P	97-21-147	296-46-920	AMD	97-12-016
296-45-17545	NEW-P	97-21-147	296-45-65031	REP-P	97-21-147	296-46-930	AMD-P	97-14-111
296-45-17550	NEW-P	97-21-147	296-45-65033	REP-P	97-21-147	296-46-950	AMD-P	97-14-111
296-45-17555	NEW-P	97-21-147	296-45-65035	REP-P	97-21-147	296-46-960	NEW-P	97-14-111
296-45-17560	NEW-P	97-21-147	296-45-65037	REP-P	97-21-147	296-49	PREP	97-03-082
296-45-17565	NEW-P	97-21-147	296-45-65038	REP-P	97-21-147	296-49-005	REP-P	97-09-039
296-45-195	NEW-P	97-21-147	296-45-65039	REP-P	97-21-147	296-49-005	REP	97-16-043
296-45-205	NEW-P	97-21-147	296-45-65041	REP-P	97-21-147	296-49-010	REP-P	97-09-039
296-45-215	NEW-P	97-21-147	296-45-65043	REP-P	97-21-147	296-49-010	REP	97-16-043
296-45-225	NEW-P	97-21-147	296-45-65045	REP-P	97-21-147	296-49-015	REP-P	97-09-039
296-45-255	NEW-P	97-21-147	296-45-65047	REP-P	97-21-147	296-49-015	REP	97-16-043
296-45-25505	NEW-P	97-21-147	296-45-6600	REP-P	97-21-147	296-49-020	REP-P	97-09-039
296-45-25510	NEW-P	97-21-147	296-45-66001	REP-P	97-21-147	296-49-020	REP	97-16-043
296-45-275	NEW-P	97-21-147	296-45-66003	REP-P	97-21-147	296-49-025	REP-P	97-09-039
296-45-285	NEW-P	97-21-147	296-45-66005	REP-P	97-21-147	296-49-025	REP	97-16-043
296-45-295	NEW-P	97-21-147	296-45-66007	REP-P	97-21-147	296-49-030	REP-P	97-09-039
296-45-305	NEW-P	97-21-147	296-45-66009	REP-P	97-21-147	296-49-030	REP	97-16-043
296-45-315	NEW-P	97-21-147	296-45-66011	REP-P	97-21-147	296-49-035	REP-P	97-09-039
296-45-325	NEW-P	97-21-147	296-45-67543	AMD-P	97-21-147	296-49-035	REP	97-16-043
296-45-335	NEW-P	97-21-147	296-45-680	REP-P	97-21-147	296-49-040	REP-P	97-09-039
296-45-345	NEW-P	97-21-147	296-45-690	REP-P	97-21-147	296-49-040	REP	97-16-043
296-45-355	NEW-P	97-21-147	296-45-695	REP-P	97-21-147	296-49-045	REP-P	97-09-039
296-45-365	NEW-P	97-21-147	296-45-700	REP-P	97-21-147	296-49-045	REP	97-16-043
296-45-375	NEW-P	97-21-147	296-45-900	NEW-P	97-21-147	296-49-050	REP-P	97-09-039
296-45-385	NEW-P	97-21-147	296-45-901	NEW-P	97-21-147	296-49-050	REP	97-16-043
296-45-455	NEW-P	97-21-147	296-45-903	NEW-P	97-21-147	296-49-055	REP-P	97-09-039
296-45-45505	NEW-P	97-21-147	296-45-905	NEW-P	97-21-147	296-49-055	REP	97-16-043
296-45-45510	NEW-P	97-21-147	296-46	PREP	97-02-095	296-49-060	REP-P	97-09-039
296-45-45515	NEW-P	97-21-147	296-46	AMD-C	97-15-143	296-49-060	REP	97-16-043
296-45-45520	NEW-P	97-21-147	296-46	PREP	97-21-142	296-49-065	REP-P	97-09-039
296-45-45525	NEW-P	97-21-147	296-46-090	AMD-P	97-03-083	296-49-065	REP	97-16-043
296-45-45530	NEW-P	97-21-147	296-46-090	AMD	97-12-016	296-49A-010	NEW-P	97-09-039
296-45-465	NEW-P	97-21-147	296-46-090	AMD-P	97-14-111	296-49A-010	NEW	97-16-043
296-45-475	NEW-P	97-21-147	296-46-130	AMD-P	97-03-083	296-49A-020	NEW-P	97-09-039
296-45-485	NEW-P	97-21-147	296-46-130	AMD	97-12-016	296-49A-020	NEW	97-16-043
296-45-48505	NEW-P	97-21-147	296-46-140	AMD-P	97-03-083	296-49A-030	NEW-P	97-09-039
296-45-48510	NEW-P	97-21-147	296-46-140	AMD	97-12-016	296-49A-030	NEW	97-16-043
296-45-48515	NEW-P	97-21-147	296-46-150	REP-P	97-03-083	296-49A-040	NEW-P	97-09-039
296-45-48520	NEW-P	97-21-147	296-46-150	REP	97-12-016	296-49A-040	NEW	97-16-043
296-45-48525	NEW-P	97-21-147	296-46-21008	AMD-P	97-03-083	296-49A-050	NEW-P	97-09-039
296-45-48530	NEW-P	97-21-147	296-46-21008	AMD	97-12-016	296-49A-050	NEW	97-16-043
296-45-48535	NEW-P	97-21-147	296-46-21052	AMD-P	97-03-083	296-49A-060	NEW-P	97-09-039
296-45-48540	NEW-P	97-21-147	296-46-21052	AMD	97-12-016	296-49A-060	NEW	97-16-043
296-45-48545	NEW-P	97-21-147	296-46-21052	AMD-P	97-14-111	296-49A-070	NEW-P	97-09-039
296-45-48550	NEW-P	97-21-147	296-46-225	AMD-P	97-03-083	296-49A-070	NEW	97-16-043
296-45-48555	NEW-P	97-21-147	296-46-225	AMD	97-12-016	296-49A-080	NEW-P	97-09-039
296-45-48560	NEW-P	97-21-147	296-46-23028	AMD-P	97-03-083	296-49A-080	NEW	97-16-043
296-45-525	NEW-P	97-21-147	296-46-23028	AMD	97-12-016	296-49A-090	NEW-P	97-09-039
296-45-52505	NEW-P	97-21-147	296-46-23062	AMD-P	97-03-083	296-49A-090	NEW	97-16-043
296-45-52510	NEW-P	97-21-147	296-46-23062	AMD	97-12-016	296-49A-100	NEW-P	97-09-039
296-45-52515	NEW-P	97-21-147	296-46-30001	AMD-P	97-03-083	296-49A-100	NEW	97-16-043
296-45-52520	NEW-P	97-21-147	296-46-30001	AMD	97-12-016	296-49A-110	NEW-P	97-09-039
296-45-52525	NEW-P	97-21-147	296-46-360	AMD-P	97-03-083	296-49A-110	NEW	97-16-043
296-45-52530	NEW-P	97-21-147	296-46-360	AMD	97-12-016	296-54	PREP	97-10-071
296-45-52535	NEW-P	97-21-147	296-46-370	AMD-P	97-03-083	296-62	PREP	97-05-047
296-45-52540	NEW-P	97-21-147	296-46-370	AMD	97-12-016	296-62	PREP	97-06-101
296-45-52545	NEW-P	97-21-147	296-46-514	AMD-P	97-03-083	296-62	PREP	97-09-078
296-45-52550	NEW-P	97-21-147	296-46-514	AMD	97-12-016	296-62-05413	AMD-P	97-03-085
296-45-545	NEW-P	97-21-147	296-46-553	NEW-P	97-03-083	296-62-05413	AMD	97-11-055
296-45-60013	REP-P	97-21-147	296-46-553	NEW	97-12-016	296-62-07113	AMD-P	97-09-079
296-45-650	REP-P	97-21-147	296-46-700	AMD-P	97-03-083	296-62-07113	AMD	97-19-014
296-45-65003	REP-P	97-21-147	296-46-700	AMD	97-12-016	296-62-07347	AMD-P	97-21-040
296-45-65005	REP-P	97-21-147	296-46-725	AMD-P	97-03-083	296-62-07354	AMD-P	97-21-040
296-45-65009	REP-P	97-21-147	296-46-725	AMD	97-12-016	296-62-07460	NEW-P	97-09-079
296-45-65011	REP-P	97-21-147	296-46-910	AMD-P	97-03-083	296-62-07460	NEW	97-19-014
296-45-65013	REP-P	97-21-147	296-46-910	AMD-E	97-10-064	296-62-07470	NEW-P	97-13-063
296-45-65015	REP-P	97-21-147	296-46-910	AMD	97-12-016	296-62-07470	NEW	97-18-062
296-45-65017	REP-P	97-21-147	296-46-910	AMD-P	97-14-111	296-62-07473	NEW-P	97-13-063
296-45-65019	REP-P	97-21-147	296-46-910	AMD-E	97-16-070	296-62-07473	NEW	97-18-062
296-45-65021	REP-P	97-21-147	296-46-915	AMD-P	97-03-083	296-62-07475	NEW-P	97-13-063
296-45-65023	REP-P	97-21-147	296-46-915	AMD	97-12-016	296-62-07475	NEW	97-18-062
296-45-65026	REP-P	97-21-147	296-46-915	AMD-P	97-14-111	296-62-07477	NEW-P	97-13-063
296-45-65027	REP-P	97-21-147	296-46-920	AMD-P	97-03-083	296-62-07477	NEW	97-18-062

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-62-075	AMD-P	97-09-079	296-93-270	REP-P	97-14-110	296-104-310	AMD-P	97-15-138
296-62-075	AMD	97-19-014	296-93-280	REP-P	97-14-110	296-104-310	AMD	97-20-109
296-62-07501	AMD-P	97-09-079	296-93-290	REP-P	97-14-110	296-104-320	AMD-P	97-15-138
296-62-07501	AMD	97-19-014	296-93-300	AMD-P	97-03-132	296-104-320	AMD	97-20-109
296-62-07510	AMD-P	97-09-079	296-93-300	AMD	97-11-053	296-104-325	AMD-P	97-15-138
296-62-07510	AMD	97-19-014	296-93-300	REP-P	97-14-110	296-104-325	AMD	97-20-109
296-62-07515	AMD-P	97-09-079	296-93-320	REP-P	97-03-132	296-104-330	AMD-P	97-15-138
296-62-07515	AMD	97-19-014	296-93-320	REP	97-11-053	296-104-330	AMD	97-20-109
296-62-07711	AMD-P	97-09-079	296-93-320	REP-P	97-14-110	296-104-400	REP-P	97-15-138
296-62-07711	AMD	97-19-014	296-93-330	AMD-P	97-03-132	296-104-400	REP	97-20-109
296-62-07712	AMD-P	97-09-079	296-93-330	AMD	97-11-053	296-104-405	AMD-P	97-15-138
296-62-07712	AMD	97-19-014	296-93-330	REP-P	97-14-110	296-104-405	AMD	97-20-109
296-62-07715	AMD-P	97-09-079	296-93A-010	NEW-P	97-14-110	296-104-410	REP-P	97-15-138
296-62-07715	AMD	97-19-014	296-93A-020	NEW-P	97-14-110	296-104-410	REP	97-20-109
296-62-07717	AMD-P	97-09-079	296-93A-030	NEW-P	97-14-110	296-104-415	REP-P	97-15-138
296-62-07717	AMD	97-19-014	296-93A-040	NEW-P	97-14-110	296-104-415	REP	97-20-109
296-62-07721	AMD-P	97-09-079	296-93A-050	NEW-P	97-14-110	296-116-010	DECOD	97-08-042
296-62-07721	AMD	97-19-014	296-93A-070	NEW-P	97-14-110	296-116-020	DECOD	97-08-042
296-62-07725	AMD-P	97-09-079	296-93A-080	NEW-P	97-14-110	296-116-030	DECOD	97-08-042
296-62-07725	AMD	97-19-014	296-93A-090	NEW-P	97-14-110	296-116-050	DECOD	97-08-042
296-62-07728	AMD-P	97-09-079	296-93A-100	NEW-P	97-14-110	296-116-060	DECOD	97-08-042
296-62-07728	AMD	97-19-014	296-93A-120	NEW-P	97-14-110	296-116-070	AMD	97-06-105
296-62-07761	REP-P	97-09-079	296-93A-140	NEW-P	97-14-110	296-116-070	DECOD	97-08-042
296-62-07761	REP	97-19-014	296-93A-150	NEW-P	97-14-110	296-116-075	DECOD	97-08-042
296-62-11015	AMD-P	97-13-062	296-93A-160	NEW-P	97-14-110	296-116-080	DECOD	97-08-042
296-62-20017	AMD-P	97-21-040	296-93A-170	NEW-P	97-14-110	296-116-081	DECOD	97-08-042
296-62-20027	AMD-P	97-21-040	296-93A-190	NEW-P	97-14-110	296-116-082	PREP	97-06-102
296-62-20029	AMD-P	97-21-040	296-93A-200	NEW-P	97-14-110	296-116-082	AMD-E	97-08-040
296-63-009	AMD-P	97-21-042	296-93A-210	NEW-P	97-14-110	296-116-082	DECOD	97-08-042
296-65-001	AMD-P	97-09-079	296-93A-220	NEW-P	97-14-110	296-116-083	DECOD	97-08-042
296-65-001	AMD	97-19-014	296-93A-230	NEW-P	97-14-110	296-116-085	DECOD	97-08-042
296-65-030	AMD-P	97-09-079	296-93A-240	NEW-P	97-14-110	296-116-110	DECOD	97-08-042
296-65-030	AMD	97-19-014	296-93A-250	NEW-P	97-14-110	296-116-115	DECOD	97-08-042
296-81	PREP	97-21-144	296-93A-260	NEW-P	97-14-110	296-116-120	DECOD	97-08-042
296-86	PREP	97-21-144	296-93A-270	NEW-P	97-14-110	296-116-140	DECOD	97-08-042
296-86-020	AMD-P	97-03-132	296-93A-280	NEW-P	97-14-110	296-116-150	DECOD	97-08-042
296-86-020	AMD	97-11-053	296-93A-290	NEW-P	97-14-110	296-116-170	DECOD	97-08-042
296-86-030	AMD-P	97-03-132	296-93A-300	NEW-P	97-14-110	296-116-175	DECOD	97-08-042
296-86-030	AMD	97-11-053	296-93A-330	NEW-P	97-14-110	296-116-185	DECOD	97-08-042
296-86-050	AMD-P	97-03-132	296-99-010	AMD-P	97-09-079	296-116-200	AMD	97-06-106
296-86-050	AMD	97-11-053	296-99-015	AMD-P	97-09-079	296-116-200	DECOD	97-08-042
296-86-060	AMD-P	97-03-132	296-99-020	AMD-P	97-09-079	296-116-205	DECOD	97-08-042
296-86-060	AMD	97-11-053	296-99-025	AMD-P	97-09-079	296-116-2051	DECOD	97-08-079
296-86-070	AMD-P	97-03-132	296-99-030	AMD-P	97-09-079	296-116-300	AMD-P	97-08-041
296-86-070	AMD	97-11-053	296-99-035	AMD-P	97-09-079	296-116-300	DECOD	97-08-042
296-86-075	AMD-P	97-03-132	296-99-040	AMD-P	97-09-079	296-116-315	DECOD	97-08-042
296-86-075	AMD	97-11-053	296-99-045	AMD-P	97-09-079	296-116-35001	DECOD	97-08-042
296-86-080	AMD-P	97-03-132	296-99-050	AMD-P	97-09-079	296-116-360	AMD-P	97-06-103
296-86-080	AMD	97-11-053	296-99-055	AMD-P	97-09-079	296-116-360	AMD-E	97-06-104
296-86-090	NEW-P	97-03-132	296-99-060	AMD-P	97-09-079	296-116-360	DECOD	97-08-042
296-86-090	NEW	97-11-053	296-99-065	AMD-P	97-09-079	296-116-370	DECOD	97-08-079
296-93-010	REP-P	97-14-110	296-99-070	AMD-P	97-09-079	296-116-400	DECOD	97-08-042
296-93-020	REP-P	97-14-110	296-99-075	AMD-P	97-09-079	296-116-410	DECOD	97-08-042
296-93-030	REP-P	97-14-110	296-99-080	AMD-P	97-09-079	296-116-420	DECOD	97-08-042
296-93-040	REP-P	97-14-110	296-99-085	AMD-P	97-09-079	296-116-500	DECOD	97-08-042
296-93-050	REP-P	97-14-110	296-99-090	AMD-P	97-09-079	296-126-098	PREP	97-18-078
296-93-070	REP-P	97-14-110	296-99-093	AMD-P	97-09-079	296-126-140	PREP-X	97-13-034
296-93-080	REP-P	97-14-110	296-99-095	AMD-P	97-09-079	296-126-140	REP	97-17-064
296-93-090	REP-P	97-14-110	296-104	PREP	97-11-004	296-128-013	NEW-W	97-03-073
296-93-100	REP-P	97-14-110	296-104-107	NEW-P	97-15-138	296-128-530	PREP	97-18-079
296-93-120	REP-P	97-14-110	296-104-107	NEW	97-20-109	296-128-535	NEW-P	97-21-145
296-93-140	REP-P	97-14-110	296-104-200	AMD-P	97-15-138	296-129-020	PREP-X	97-13-034
296-93-150	REP-P	97-14-110	296-104-200	AMD	97-20-109	296-129-020	REP	97-17-064
296-93-160	REP-P	97-14-110	296-104-215	AMD-P	97-15-138	296-129-030	PREP-X	97-13-034
296-93-170	REP-P	97-14-110	296-104-215	AMD	97-20-109	296-129-030	REP	97-17-064
296-93-190	REP-P	97-14-110	296-104-265	AMD-P	97-15-138	296-129-040	PREP-X	97-13-034
296-93-200	REP-P	97-14-110	296-104-265	AMD	97-20-109	296-129-040	REP	97-17-064
296-93-210	REP-P	97-14-110	296-104-270	AMD-P	97-15-138	296-150C	PREP	97-21-141
296-93-220	REP-P	97-14-110	296-104-270	AMD	97-20-109	296-150C	PREP	97-21-143
296-93-230	REP-P	97-14-110	296-104-300	AMD-P	97-15-138	296-150C-0040	AMD-P	97-09-039
296-93-240	REP-P	97-14-110	296-104-300	AMD	97-20-109	296-150C-0040	AMD	97-16-043
296-93-250	REP-P	97-14-110	296-104-305	AMD-P	97-15-138	296-150C-0090	NEW-W	97-04-070
296-93-260	REP-P	97-14-110	296-104-305	AMD	97-20-109	296-150C-0100	AMD-P	97-09-039

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-150C-0100	AMD	97-16-043	296-150P-0450	NEW	97-16-043	296-150R-2020	AMD	97-16-043
296-150C-1010	NEW-W	97-04-070	296-150P-0600	NEW-P	97-09-039	296-150R-3000	AMD-P	97-03-132
296-150C-3000	AMD-P	97-03-132	296-150P-0600	NEW	97-16-043	296-150R-3000	AMD-P	97-09-039
296-150C-3000	AMD	97-11-053	296-150P-0610	NEW-P	97-09-039	296-150R-3000	AMD	97-11-053
296-150F	PREP	97-21-141	296-150P-0610	NEW	97-16-043	296-150R-3000	AMD	97-16-043
296-150F	PREP	97-21-143	296-150P-0620	NEW-P	97-09-039	296-155	PREP	97-10-095
296-150F-0040	AMD-P	97-09-039	296-150P-0620	NEW	97-16-043	296-155-24525	AMD-P	97-16-091
296-150F-0040	AMD	97-16-043	296-150P-0630	NEW-P	97-09-039	296-155-481	AMD-P	97-16-091
296-150F-0100	AMD-P	97-09-039	296-150P-0630	NEW	97-16-043	296-155-482	NEW-P	97-16-091
296-150F-0100	AMD	97-16-043	296-150P-0640	NEW-P	97-09-039	296-155-483	AMD-P	97-16-091
296-150F-3000	AMD-P	97-03-132	296-150P-0640	NEW	97-16-043	296-155-484	NEW-P	97-16-091
296-150F-3000	AMD	97-11-053	296-150P-0700	NEW-P	97-09-039	296-155-485	AMD-P	97-16-091
296-150M	PREP	97-21-141	296-150P-0700	NEW	97-16-043	296-155-48503	REP-P	97-16-091
296-150M	PREP	97-21-143	296-150P-0710	NEW-P	97-09-039	296-155-48504	REP-P	97-16-091
296-150M-0040	AMD-P	97-09-039	296-150P-0710	NEW	97-16-043	296-155-48505	REP-P	97-16-091
296-150M-0040	AMD	97-16-043	296-150P-0720	NEW-P	97-09-039	296-155-48506	REP-P	97-16-091
296-150M-0100	AMD-P	97-09-039	296-150P-0720	NEW	97-16-043	296-155-48507	REP-P	97-16-091
296-150M-0100	AMD	97-16-043	296-150P-1000	NEW-P	97-09-039	296-155-48508	REP-P	97-16-091
296-150M-3000	AMD-P	97-03-132	296-150P-1000	NEW	97-16-043	296-155-48509	REP-P	97-16-091
296-150M-3000	AMD	97-11-053	296-150P-1010	NEW-P	97-09-039	296-155-48510	REP-P	97-16-091
296-150P	PREP	97-21-141	296-150P-1010	NEW	97-16-043	296-155-48511	REP-P	97-16-091
296-150P	PREP	97-21-143	296-150P-1020	NEW-P	97-09-039	296-155-48512	REP-P	97-16-091
296-150P-0010	NEW-P	97-09-039	296-150P-1020	NEW	97-16-043	296-155-48513	REP-P	97-16-091
296-150P-0010	NEW	97-16-043	296-150P-2000	NEW-P	97-09-039	296-155-48514	REP-P	97-16-091
296-150P-0020	NEW-P	97-09-039	296-150P-2000	NEW	97-16-043	296-155-48515	REP-P	97-16-091
296-150P-0020	NEW	97-16-043	296-150P-2010	NEW-P	97-09-039	296-155-48516	REP-P	97-16-091
296-150P-0030	NEW-P	97-09-039	296-150P-2010	NEW	97-16-043	296-155-48517	REP-P	97-16-091
296-150P-0030	NEW	97-16-043	296-150P-2020	NEW-P	97-09-039	296-155-48518	REP-P	97-16-091
296-150P-0040	NEW-P	97-09-039	296-150P-2020	NEW	97-16-043	296-155-48519	REP-P	97-16-091
296-150P-0040	NEW	97-16-043	296-150P-2030	NEW-P	97-09-039	296-155-48520	REP-P	97-16-091
296-150P-0060	NEW-P	97-09-039	296-150P-2030	NEW	97-16-043	296-155-48525	REP-P	97-16-091
296-150P-0060	NEW	97-16-043	296-150P-3000	NEW-P	97-09-039	296-155-48527	REP-P	97-16-091
296-150P-0100	NEW-P	97-09-039	296-150P-3000	NEW	97-16-043	296-155-48529	REP-P	97-16-091
296-150P-0100	NEW	97-16-043	296-150R	PREP	97-03-082	296-155-48531	REP-P	97-16-091
296-150P-0110	NEW-P	97-09-039	296-150R	AMD-P	97-09-039	296-155-48533	REP-P	97-16-091
296-150P-0110	NEW	97-16-043	296-150R	AMD	97-16-043	296-155-48536	REP-P	97-16-091
296-150P-0120	NEW-P	97-09-039	296-150R	PREP	97-21-141	296-155-487	NEW-P	97-16-091
296-150P-0120	NEW	97-16-043	296-150R	PREP	97-21-143	296-155-488	NEW-P	97-16-091
296-150P-0130	NEW-P	97-09-039	296-150R-0010	AMD-P	97-09-039	296-155-489	NEW-P	97-16-091
296-150P-0130	NEW	97-16-043	296-150R-0010	AMD	97-16-043	296-155-490	NEW-P	97-16-091
296-150P-0200	NEW-P	97-09-039	296-150R-0020	AMD-P	97-09-039	296-155-493	NEW-P	97-16-091
296-150P-0200	NEW	97-16-043	296-150R-0020	AMD	97-16-043	296-155-494	NEW-P	97-16-091
296-150P-0210	NEW-P	97-09-039	296-150R-0030	AMD-P	97-09-039	296-155-496	NEW-P	97-16-091
296-150P-0210	NEW	97-16-043	296-150R-0030	AMD	97-16-043	296-155-497	NEW-P	97-16-091
296-150P-0220	NEW-P	97-09-039	296-150R-0040	AMD-P	97-09-039	296-155-498	NEW-P	97-16-091
296-150P-0220	NEW	97-16-043	296-150R-0040	AMD	97-16-043	296-155-527	AMD-P	97-03-085
296-150P-0250	NEW-P	97-09-039	296-150R-0060	AMD-P	97-09-039	296-155-527	AMD	97-11-055
296-150P-0250	NEW	97-16-043	296-150R-0060	AMD	97-16-043	296-155-528	NEW-P	97-16-091
296-150P-0280	NEW-P	97-09-039	296-150R-0100	AMD-P	97-09-039	296-155-605	AMD-P	97-16-091
296-150P-0280	NEW	97-16-043	296-150R-0100	AMD	97-16-043	296-155-615	AMD-P	97-16-091
296-150P-0290	NEW-P	97-09-039	296-150R-0110	AMD-P	97-09-039	296-155-683	AMD-P	97-16-091
296-150P-0290	NEW	97-16-043	296-150R-0110	AMD	97-16-043	296-155-688	AMD-P	97-16-091
296-150P-0300	NEW-P	97-09-039	296-150R-0120	AMD-P	97-09-039	296-155-689	AMD-P	97-16-091
296-150P-0300	NEW	97-16-043	296-150R-0120	AMD	97-16-043	296-155-700	AMD-P	97-16-091
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296-150P-0310	NEW	97-16-043	296-150R-0130	AMD	97-16-043	296-200	PREP	97-03-081
296-150P-0320	NEW-P	97-09-039	296-150R-0200	AMD-P	97-09-039	296-200-005	REP-P	97-16-090
296-150P-0320	NEW	97-16-043	296-150R-0200	AMD	97-16-043	296-200-015	REP-P	97-16-090
296-150P-0330	NEW-P	97-09-039	296-150R-0250	AMD-P	97-09-039	296-200-025	AMD-P	97-03-132
296-150P-0330	NEW	97-16-043	296-150R-0250	AMD	97-16-043	296-200-025	AMD	97-11-053
296-150P-0340	NEW-P	97-09-039	296-150R-0280	AMD-P	97-09-039	296-200-025	REP-P	97-16-090
296-150P-0340	NEW	97-16-043	296-150R-0280	AMD	97-16-043	296-200-035	REP-P	97-16-090
296-150P-0350	NEW-P	97-09-039	296-150R-0400	AMD-P	97-09-039	296-200-040	REP-P	97-16-090
296-150P-0350	NEW	97-16-043	296-150R-0400	AMD	97-16-043	296-200-050	AMD-P	97-03-132
296-150P-0400	NEW-P	97-09-039	296-150R-0640	AMD-P	97-09-039	296-200-050	AMD	97-11-053
296-150P-0400	NEW	97-16-043	296-150R-0640	AMD	97-16-043	296-200-050	REP-P	97-16-090
296-150P-0410	NEW-P	97-09-039	296-150R-0850	AMD-P	97-09-039	296-200-060	REP-P	97-16-090
296-150P-0410	NEW	97-16-043	296-150R-0850	AMD	97-16-043	296-200-070	REP-P	97-16-090
296-150P-0420	NEW-P	97-09-039	296-150R-1000	AMD-P	97-09-039	296-200-080	REP-P	97-16-090
296-150P-0420	NEW	97-16-043	296-150R-1000	AMD	97-16-043	296-200-090	REP-P	97-16-090
296-150P-0440	NEW-P	97-09-039	296-150R-2000	AMD-P	97-09-039	296-200-100	REP-P	97-16-090
296-150P-0440	NEW	97-16-043	296-150R-2000	AMD	97-16-043	296-200-110	REP-P	97-16-090
296-150P-0450	NEW-P	97-09-039	296-150R-2020	AMD-P	97-09-039	296-200-111	REP-P	97-16-090

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-200-112	REP-P	97-16-090	296-306-060	REP-E	97-06-040	296-306A-10010	DECOD	97-09-013
296-200-300	REP-P	97-16-090	296-306-060	REP	97-08-051A	296-306A-10015	DECOD	97-09-013
296-200-310	REP-P	97-16-090	296-306-060	REP-W	97-12-063	296-306A-10020	DECOD	97-09-013
296-200-320	REP-P	97-16-090	296-306-330	REP-P	97-03-131	296-306A-10025	DECOD	97-09-013
296-200-330	REP-P	97-16-090	296-306-330	REP-E	97-06-040	296-306A-107	DECOD	97-09-013
296-200-340	REP-P	97-16-090	296-306-330	REP	97-08-051A	296-306A-110	DECOD	97-09-013
296-200-350	REP-P	97-16-090	296-306-330	REP-W	97-12-063	296-306A-11005	DECOD	97-09-013
296-200-360	REP-P	97-16-090	296-306-400	REP-P	97-03-131	296-306A-11010	DECOD	97-09-013
296-200-370	REP-P	97-16-090	296-306-400	REP-E	97-06-040	296-306A-11015	DECOD	97-09-013
296-200-380	REP-P	97-16-090	296-306-400	REP	97-08-051A	296-306A-120	DECOD	97-09-013
296-200-390	REP-P	97-16-090	296-306-400	REP-W	97-12-063	296-306A-12005	DECOD	97-09-013
296-200-400	REP-P	97-16-090	296-306-40007	REP-P	97-03-131	296-306A-12010	DECOD	97-09-013
296-200-410	REP-P	97-16-090	296-306-40007	REP-E	97-06-040	296-306A-12015	DECOD	97-09-013
296-200-900	AMD-P	97-03-132	296-306-40007	REP	97-08-051A	296-306A-12020	DECOD	97-09-013
296-200-900	AMD	97-11-053	296-306-40007	REP-W	97-12-063	296-306A-12025	DECOD	97-09-013
296-200-900	REP-P	97-16-090	296-306-40009	REP-P	97-03-131	296-306A-12030	DECOD	97-09-013
296-200A	PREP	97-21-143	296-306-40009	REP-E	97-06-040	296-306A-12035	DECOD	97-09-013
296-200A-005	NEW-P	97-16-090	296-306-40009	REP	97-08-051A	296-306A-12040	DECOD	97-09-013
296-200A-015	NEW-P	97-16-090	296-306-40009	REP-W	97-12-063	296-306A-12045	DECOD	97-09-013
296-200A-025	NEW-P	97-16-090	296-306A-003	DECOD	97-09-013	296-306A-12050	DECOD	97-09-013
296-200A-035	NEW-P	97-16-090	296-306A-006	DECOD	97-09-013	296-306A-12055	DECOD	97-09-013
296-200A-040	NEW-P	97-16-090	296-306A-009	DECOD	97-09-013	296-306A-130	DECOD	97-09-013
296-200A-050	NEW-P	97-16-090	296-306A-012	DECOD	97-09-013	296-306A-13005	DECOD	97-09-013
296-200A-060	NEW-P	97-16-090	296-306A-015	DECOD	97-09-013	296-306A-13010	DECOD	97-09-013
296-200A-070	NEW-P	97-16-090	296-306A-018	DECOD	97-09-013	296-306A-13015	DECOD	97-09-013
296-200A-080	NEW-P	97-16-090	296-306A-021	DECOD	97-09-013	296-306A-13020	DECOD	97-09-013
296-200A-090	NEW-P	97-16-090	296-306A-024	DECOD	97-09-013	296-306A-13025	DECOD	97-09-013
296-200A-110	NEW-P	97-16-090	296-306A-030	DECOD	97-09-013	296-306A-13030	DECOD	97-09-013
296-200A-111	NEW-P	97-16-090	296-306A-033	DECOD	97-09-013	296-306A-13035	DECOD	97-09-013
296-200A-112	NEW-P	97-16-090	296-306A-036	DECOD	97-09-013	296-306A-13040	DECOD	97-09-013
296-200A-300	NEW-P	97-16-090	296-306A-039	DECOD	97-09-013	296-306A-13045	DECOD	97-09-013
296-200A-305	NEW-P	97-16-090	296-306A-042	DECOD	97-09-013	296-306A-13050	DECOD	97-09-013
296-200A-310	NEW-P	97-16-090	296-306A-045	DECOD	97-09-013	296-306A-13055	DECOD	97-09-013
296-200A-320	NEW-P	97-16-090	296-306A-050	DECOD	97-09-013	296-306A-145	DECOD	97-09-013
296-200A-330	NEW-P	97-16-090	296-306A-055	DECOD	97-09-013	296-306A-14505	DECOD	97-09-013
296-200A-340	NEW-P	97-16-090	296-306A-05501	DECOD	97-09-013	296-306A-14510	DECOD	97-09-013
296-200A-350	NEW-P	97-16-090	296-306A-05503	DECOD	97-09-013	296-306A-14520	DECOD	97-09-013
296-200A-360	NEW-P	97-16-090	296-306A-05505	DECOD	97-09-013	296-306A-150	DECOD	97-09-013
296-200A-370	NEW-P	97-16-090	296-306A-05507	DECOD	97-09-013	296-306A-15003	DECOD	97-09-013
296-200A-380	NEW-P	97-16-090	296-306A-060	DECOD	97-09-013	296-306A-15006	DECOD	97-09-013
296-200A-390	NEW-P	97-16-090	296-306A-061	DECOD	97-09-013	296-306A-15009	DECOD	97-09-013
296-200A-400	NEW-P	97-16-090	296-306A-065	DECOD	97-09-013	296-306A-15012	DECOD	97-09-013
296-200A-405	NEW-P	97-16-090	296-306A-070	DECOD	97-09-013	296-306A-160	DECOD	97-09-013
296-200A-500	NEW-P	97-16-090	296-306A-07001	DECOD	97-09-013	296-306A-16001	DECOD	97-09-013
296-200A-510	NEW-P	97-16-090	296-306A-07003	DECOD	97-09-013	296-306A-16003	AMD-P	97-03-131
296-200A-900	NEW-P	97-16-090	296-306A-07005	DECOD	97-09-013	296-306A-16003	AMD-E	97-06-040
296-301-020	AMD-P	97-21-146	296-306A-07007	DECOD	97-09-013	296-306A-16003	AMD	97-08-051A
296-304-010	AMD-P	97-13-062	296-306A-07009	DECOD	97-09-013	296-306A-16003	DECOD	97-09-013
296-304-01001	AMD-P	97-13-062	296-306A-07011	DECOD	97-09-013	296-306A-16005	DECOD	97-09-013
296-304-03001	AMD-P	97-13-062	296-306A-07013	DECOD	97-09-013	296-306A-16007	DECOD	97-09-013
296-304-03003	AMD-P	97-13-062	296-306A-073	DECOD	97-09-013	296-306A-16009	DECOD	97-09-013
296-304-03005	AMD-P	97-13-062	296-306A-076	DECOD	97-09-013	296-306A-16011	DECOD	97-09-013
296-304-03007	AMD-P	97-13-062	296-306A-080	DECOD	97-09-013	296-306A-16013	AMD-P	97-03-131
296-304-05007	AMD-P	97-13-062	296-306A-08003	DECOD	97-09-013	296-306A-16013	AMD-E	97-04-048
296-304-05013	AMD-P	97-13-062	296-306A-08006	DECOD	97-09-013	296-306A-16013	AMD	97-08-051A
296-304-06013	AMD-P	97-13-062	296-306A-08009	DECOD	97-09-013	296-306A-16013	DECOD	97-09-013
296-304-07013	AMD-P	97-13-062	296-306A-08012	DECOD	97-09-013	296-306A-16015	DECOD	97-09-013
296-304-08007	AMD-P	97-13-062	296-306A-08015	DECOD	97-09-013	296-306A-16017	DECOD	97-09-013
296-304-08009	AMD-P	97-13-062	296-306A-08018	AMD-P	97-03-131	296-306A-16019	DECOD	97-09-013
296-304-090	AMD-P	97-13-062	296-306A-08018	AMD	97-08-051A	296-306A-16021	DECOD	97-09-013
296-304-09001	AMD-P	97-13-062	296-306A-08018	DECOD	97-09-013	296-306A-16023	DECOD	97-09-013
296-304-09003	AMD-P	97-13-062	296-306A-08021	DECOD	97-09-013	296-306A-185	DECOD	97-09-013
296-304-09005	AMD-P	97-13-062	296-306A-085	DECOD	97-09-013	296-306A-18503	DECOD	97-09-013
296-304-09007	AMD-P	97-13-062	296-306A-090	DECOD	97-09-013	296-306A-18506	DECOD	97-09-013
296-304-09009	NEW-P	97-13-062	296-306A-095	DECOD	97-09-013	296-306A-18509	DECOD	97-09-013
296-304-09011	NEW-P	97-13-062	296-306A-09503	DECOD	97-09-013	296-306A-18512	DECOD	97-09-013
296-304-09013	NEW-P	97-13-062	296-306A-09506	DECOD	97-09-013	296-306A-18515	DECOD	97-09-013
296-304-09015	NEW-P	97-13-062	296-306A-09509	DECOD	97-09-013	296-306A-190	DECOD	97-09-013
296-304-09017	NEW-P	97-13-062	296-306A-09512	DECOD	97-09-013	296-306A-19003	DECOD	97-09-013
296-304-09019	NEW-P	97-13-062	296-306A-09515	DECOD	97-09-013	296-306A-19006	DECOD	97-09-013
296-304-09021	NEW-P	97-13-062	296-306A-09518	DECOD	97-09-013	296-306A-19009	DECOD	97-09-013
296-304-09023	NEW-P	97-13-062	296-306A-100	DECOD	97-09-013	296-306A-19012	DECOD	97-09-013
296-306-060	REP-P	97-03-131	296-306A-10005	DECOD	97-09-013	296-306A-19015	DECOD	97-09-013

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-52001	RECOD	97-09-013	296-400A-035	NEW-P	97-03-085	308-13-045	NEW-P	97-03-022
296-307-52003	RECOD	97-09-013	296-400A-035	NEW	97-11-052	308-13-045	NEW	97-06-065
296-307-52005	RECOD	97-09-013	296-400A-045	NEW-P	97-03-085	308-13-160	AMD-P	97-03-022
296-307-52007	RECOD	97-09-013	296-400A-045	NEW	97-11-052	308-13-160	AMD	97-06-065
296-307-52009	RECOD	97-09-013	296-400A-050	NEW-P	97-03-085	308-13-210	NEW	97-10-026
296-307-52011	RECOD	97-09-013	296-400A-050	NEW	97-11-052	308-13-220	NEW	97-10-026
296-307-52013	RECOD	97-09-013	296-400A-070	NEW-P	97-03-085	308-13-230	NEW	97-10-026
296-307-52015	RECOD	97-09-013	296-400A-070	NEW	97-11-052	308-13-240	NEW	97-10-026
296-307-52017	RECOD	97-09-013	296-400A-100	NEW-P	97-03-085	308-14-210	NEW-P	97-07-031
296-307-52019	RECOD	97-09-013	296-400A-100	NEW	97-11-052	308-14-210	NEW	97-10-053
296-307-52021	RECOD	97-09-013	296-400A-110	NEW-P	97-03-085	308-14-220	NEW-P	97-07-031
296-307-52023	RECOD	97-09-013	296-400A-110	NEW	97-11-052	308-14-220	NEW	97-10-053
296-307-52025	RECOD	97-09-013	296-400A-120	NEW-P	97-03-085	308-14-230	NEW-P	97-07-031
296-307-52027	RECOD	97-09-013	296-400A-120	NEW	97-11-052	308-14-230	NEW	97-10-053
296-307-52029	RECOD	97-09-013	296-400A-121	NEW-P	97-03-085	308-17	AMD-P	97-13-080
296-307-52031	RECOD	97-09-013	296-400A-121	NEW	97-11-052	308-17	AMD	97-17-051
296-307-52033	RECOD	97-09-013	296-400A-130	NEW-P	97-03-085	308-17-010	AMD-P	97-13-080
296-307-52035	RECOD	97-09-013	296-400A-130	NEW	97-11-052	308-17-010	AMD	97-17-051
296-307-52037	RECOD	97-09-013	296-400A-140	NEW-P	97-03-085	308-17-020	AMD-P	97-13-080
296-307-52039	RECOD	97-09-013	296-400A-140	NEW	97-11-052	308-17-020	AMD	97-17-051
296-307-52041	RECOD	97-09-013	296-400A-300	NEW-P	97-03-085	308-17-030	AMD-P	97-13-080
296-307-52043	RECOD	97-09-013	296-400A-300	NEW	97-11-052	308-17-030	AMD	97-17-051
296-307-52045	RECOD	97-09-013	296-400A-400	NEW-P	97-03-085	308-17-100	AMD-P	97-13-080
296-307-52047	RECOD	97-09-013	296-400A-400	NEW	97-11-052	308-17-100	AMD	97-17-051
296-307-530	RECOD	97-09-013	296-400A-425	NEW-P	97-03-085	308-17-105	AMD-P	97-13-080
296-307-53001	RECOD	97-09-013	296-400A-425	NEW	97-11-052	308-17-105	AMD	97-17-051
296-307-53003	RECOD	97-09-013	296-401	PREP	97-02-095	308-17-110	AMD-P	97-13-080
296-307-53005	RECOD	97-09-013	296-401	AMD-C	97-15-143	308-17-110	AMD	97-17-051
296-307-53007	RECOD	97-09-013	296-401	PREP	97-21-142	308-17-120	AMD-P	97-13-080
296-307-53009	RECOD	97-09-013	296-401-060	AMD-P	97-14-111	308-17-120	AMD	97-17-051
296-307-53011	RECOD	97-09-013	296-401-080	AMD-P	97-03-083	308-17-130	AMD-P	97-13-080
296-307-53013	RECOD	97-09-013	296-401-080	AMD	97-12-016	308-17-130	AMD	97-17-051
296-307-53015	RECOD	97-09-013	296-401-090	AMD-P	97-03-083	308-17-140	AMD-P	97-13-080
296-307-53017	RECOD	97-09-013	296-401-090	AMD	97-12-016	308-17-140	AMD	97-17-051
296-400-005	REP-P	97-03-084	296-401-100	AMD-P	97-03-083	308-17-150	AMD-P	97-13-080
296-400-005	REP	97-11-052	296-401-100	AMD	97-12-016	308-17-150	AMD	97-17-051
296-400-020	REP-P	97-03-084	296-401-100	AMD-P	97-14-111	308-17-160	AMD-P	97-13-080
296-400-020	REP	97-11-052	296-401-120	AMD-P	97-03-083	308-17-160	AMD	97-17-051
296-400-030	REP-P	97-03-084	296-401-120	AMD	97-12-016	308-17-165	AMD-P	97-13-080
296-400-030	REP	97-11-052	296-401-163	AMD-P	97-14-111	308-17-165	AMD	97-17-051
296-400-035	REP-P	97-03-084	296-401-165	AMD-P	97-03-083	308-17-170	AMD-P	97-13-080
296-400-035	REP	97-11-052	296-401-165	AMD	97-12-016	308-17-170	AMD	97-17-051
296-400-045	REP-P	97-03-084	296-401-165	AMD-P	97-14-111	308-17-180	NEW-P	97-13-080
296-400-045	REP	97-11-052	296-401-170	AMD-P	97-14-111	308-17-180	NEW	97-17-051
296-400-050	REP-P	97-03-084	296-401-175	AMD-P	97-03-083	308-17-185	NEW-P	97-13-080
296-400-050	REP	97-11-052	296-401-175	AMD	97-12-016	308-17-185	NEW	97-17-051
296-400-070	REP-P	97-03-084	296-401-175	AMD-P	97-14-111	308-17-190	NEW-P	97-13-080
296-400-070	REP	97-11-052	308-10-050	AMD-P	97-14-103	308-17-190	NEW	97-17-051
296-400-100	REP-P	97-03-084	308-10-050	AMD	97-17-009	308-17-205	AMD-P	97-13-080
296-400-100	REP	97-11-052	308-11-140	NEW-P	97-07-035	308-17-205	AMD	97-17-051
296-400-110	REP-P	97-03-084	308-11-140	NEW	97-10-046	308-17-210	AMD-P	97-13-080
296-400-110	REP	97-11-052	308-11-150	NEW-P	97-07-035	308-17-210	AMD	97-17-051
296-400-120	REP-P	97-03-084	308-11-150	NEW	97-10-046	308-17-230	AMD-P	97-13-080
296-400-120	REP	97-11-052	308-11-160	NEW-P	97-07-035	308-17-230	AMD	97-17-051
296-400-130	REP-P	97-03-084	308-11-160	NEW	97-10-046	308-17-240	AMD-P	97-13-080
296-400-130	REP	97-11-052	308-12-025	AMD	97-03-121	308-17-240	AMD	97-17-051
296-400-140	REP-P	97-03-084	308-12-031	AMD	97-03-121	308-17-300	AMD-P	97-13-080
296-400-140	REP	97-11-052	308-12-040	AMD	97-03-121	308-17-300	AMD	97-17-051
296-400-300	REP-P	97-03-084	308-12-050	AMD	97-03-121	308-17-310	AMD-P	97-13-080
296-400-300	REP	97-11-052	308-12-140	REP	97-03-121	308-17-310	AMD	97-17-051
296-400A	PREP	97-21-143	308-12-145	REP	97-03-121	308-17-320	AMD-P	97-13-080
296-400A-005	NEW-P	97-03-085	308-12-210	NEW	97-03-121	308-17-320	AMD	97-17-051
296-400A-005	NEW	97-11-052	308-12-220	NEW	97-03-121	308-18-020	AMD-P	97-13-081
296-400A-020	NEW-P	97-03-085	308-12-230	NEW	97-03-121	308-18-020	AMD	97-17-050
296-400A-020	NEW	97-11-052	308-12-240	NEW-W	97-03-065	308-18-030	AMD-P	97-13-081
296-400A-030	NEW-P	97-03-085	308-12-240	NEW	97-03-121	308-18-030	AMD	97-17-050
296-400A-030	NEW	97-11-052	308-12-250	NEW-W	97-03-065	308-18-100	AMD-P	97-13-081
296-400A-031	NEW-P	97-03-085	308-12-260	NEW-W	97-03-065	308-18-100	AMD	97-17-050
296-400A-031	NEW	97-11-052	308-12-320	AMD	97-06-064	308-18-110	AMD-P	97-13-081
296-400A-032	NEW-P	97-03-085	308-12-324	AMD	97-03-121	308-18-110	AMD	97-17-050
296-400A-032	NEW	97-11-052	308-12-326	AMD	97-06-064	308-18-120	AMD-P	97-13-081
296-400A-033	NEW-P	97-03-085	308-12-326	AMD-P	97-10-080	308-18-120	AMD	97-17-050
296-400A-033	NEW	97-11-052	308-12-326	AMD	97-13-095	308-18-140	AMD-P	97-13-081

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-18-140	AMD	97-17-050	308-56A	PREP	97-15-037	308-56A-610	AMD-S	97-09-038
308-18-150	AMD-P	97-13-081	308-56A-060	AMD-P	97-09-002	308-56A-610	AMD	97-14-034
308-18-150	AMD	97-17-050	308-56A-060	AMD-W	97-13-009	308-56A-620	AMD-P	97-06-028
308-18-170	AMD-P	97-13-081	308-56A-065	AMD	97-03-076	308-56A-620	AMD-S	97-09-038
308-18-170	AMD	97-17-050	308-56A-070	AMD	97-03-076	308-56A-620	AMD	97-14-034
308-18-180	NEW-P	97-13-081	308-56A-075	AMD	97-03-076	308-56A-630	REP-P	97-06-028
308-18-180	NEW	97-17-050	308-56A-095	NEW-P	97-15-091	308-56A-630	REP-S	97-09-038
308-18-185	NEW-P	97-13-081	308-56A-095	NEW	97-19-015	308-56A-630	REP	97-14-034
308-18-185	NEW	97-17-050	308-56A-150	AMD	97-07-014	308-56A-640	AMD-P	97-06-028
308-18-190	NEW-P	97-13-081	308-56A-160	AMD	97-07-014	308-56A-640	AMD-S	97-09-038
308-18-190	NEW	97-17-050	308-56A-200	AMD-P	97-09-002	308-56A-640	AMD	97-14-034
308-18-240	AMD-P	97-13-081	308-56A-200	AMD-W	97-13-009	308-56A-650	AMD-P	97-06-028
308-18-240	AMD	97-17-050	308-56A-205	AMD-P	97-09-002	308-56A-650	AMD-S	97-09-038
308-18-300	AMD-P	97-13-081	308-56A-205	AMD-W	97-13-009	308-56A-650	AMD	97-14-034
308-18-300	AMD	97-17-050	308-56A-210	AMD-P	97-09-002	308-56A-660	AMD-P	97-06-028
308-19-400	NEW-P	97-07-026	308-56A-210	AMD-W	97-13-009	308-56A-660	AMD-S	97-09-038
308-19-400	NEW	97-10-047	308-56A-215	AMD-P	97-09-002	308-56A-660	AMD	97-14-034
308-19-410	NEW-P	97-07-026	308-56A-215	AMD-W	97-13-009	308-56A-670	AMD-P	97-06-028
308-19-410	NEW	97-10-047	308-56A-250	AMD-P	97-09-002	308-56A-670	AMD-S	97-09-038
308-19-420	NEW-P	97-07-026	308-56A-250	AMD-W	97-13-009	308-56A-670	AMD	97-14-034
308-19-420	NEW	97-10-047	308-56A-255	REP-P	97-09-002	308-56A-680	AMD-P	97-06-028
308-20-160	PREP-X	97-13-026	308-56A-255	REP-W	97-13-009	308-56A-680	AMD-S	97-09-038
308-20-160	REP	97-17-062	308-56A-265	AMD-P	97-09-002	308-56A-680	AMD	97-14-034
308-20-500	PREP-X	97-13-026	308-56A-265	AMD-W	97-13-009	308-56A-690	AMD-P	97-06-028
308-20-500	REP	97-17-062	308-56A-270	AMD-P	97-09-002	308-56A-690	AMD-S	97-09-038
308-20-710	NEW-P	97-07-032	308-56A-270	AMD-W	97-13-009	308-56A-690	AMD	97-14-034
308-20-710	NEW	97-10-049	308-56A-275	AMD-P	97-09-002	308-57-005	AMD-P	97-07-069
308-20-720	NEW-P	97-07-032	308-56A-275	AMD-W	97-13-009	308-57-005	AMD	97-12-015
308-20-720	NEW	97-10-049	308-56A-280	AMD-P	97-09-002	308-57-010	AMD-P	97-07-069
308-20-730	NEW-P	97-07-032	308-56A-280	AMD-W	97-13-009	308-57-010	AMD	97-12-015
308-20-730	NEW	97-10-049	308-56A-285	AMD-P	97-09-002	308-57-020	AMD-P	97-07-069
308-29-090	NEW-P	97-07-033	308-56A-285	AMD-W	97-13-009	308-57-020	AMD	97-12-015
308-29-090	NEW-W	97-09-022	308-56A-300	AMD-P	97-09-002	308-57-030	AMD-P	97-07-069
308-29-100	NEW-P	97-07-033	308-56A-300	AMD-W	97-13-009	308-57-030	AMD	97-12-015
308-29-100	NEW-W	97-09-022	308-56A-305	AMD-P	97-09-002	308-57-110	AMD-P	97-07-069
308-29-110	NEW-P	97-07-033	308-56A-305	AMD-W	97-13-009	308-57-110	AMD	97-12-015
308-29-110	NEW-W	97-09-022	308-56A-310	AMD-P	97-09-002	308-57-120	AMD-P	97-07-069
308-30-170	NEW-P	97-07-029	308-56A-310	AMD-W	97-13-009	308-57-120	AMD	97-12-015
308-30-170	NEW	97-10-052	308-56A-315	AMD-P	97-09-002	308-57-130	AMD-P	97-07-069
308-30-180	NEW-P	97-07-029	308-56A-315	AMD-W	97-13-009	308-57-130	AMD	97-12-015
308-30-180	NEW	97-10-052	308-56A-320	AMD-P	97-09-002	308-57-135	NEW-P	97-07-069
308-30-190	NEW-P	97-07-029	308-56A-320	AMD-W	97-13-009	308-57-135	NEW	97-12-015
308-30-190	NEW	97-10-052	308-56A-325	AMD-P	97-09-002	308-57-140	AMD-P	97-07-069
308-32-100	NEW-P	97-07-027	308-56A-325	AMD-W	97-13-009	308-57-140	AMD	97-12-015
308-32-100	NEW	97-10-050	308-56A-330	AMD-P	97-09-002	308-57-210	AMD-P	97-07-069
308-32-110	NEW-P	97-07-027	308-56A-330	AMD-W	97-13-009	308-57-210	AMD	97-12-015
308-32-110	NEW	97-10-050	308-56A-335	AMD-P	97-09-002	308-57-220	REP-P	97-07-069
308-32-120	NEW-P	97-07-027	308-56A-335	AMD-W	97-13-009	308-57-220	REP	97-12-015
308-32-120	NEW	97-10-050	308-56A-340	REP-P	97-09-002	308-57-230	AMD-P	97-07-069
308-33-110	NEW-P	97-07-030	308-56A-340	REP-W	97-13-009	308-57-230	AMD	97-12-015
308-33-110	NEW	97-10-054	308-56A-345	REP-P	97-09-002	308-57-240	AMD-P	97-07-069
308-33-120	NEW-P	97-07-030	308-56A-345	REP-W	97-13-009	308-57-240	AMD	97-12-015
308-33-120	NEW	97-10-054	308-56A-350	AMD-P	97-09-002	308-57-250	REP-P	97-07-069
308-33-130	NEW-P	97-07-030	308-56A-350	AMD-W	97-13-009	308-57-250	REP	97-12-015
308-33-130	NEW	97-10-054	308-56A-355	REP-P	97-09-002	308-57-310	REP-P	97-07-069
308-48-030	AMD-P	97-16-064	308-56A-355	REP-W	97-13-009	308-57-310	REP	97-12-015
308-48-030	AMD	97-21-061	308-56A-360	AMD-P	97-09-002	308-57-320	REP-P	97-07-069
308-48-031	AMD-P	97-16-063	308-56A-360	AMD-W	97-13-009	308-57-320	REP	97-12-015
308-48-031	AMD	97-21-060	308-56A-365	AMD-P	97-09-002	308-57-410	REP-P	97-07-069
308-48-150	AMD-P	97-16-062	308-56A-365	AMD-W	97-13-009	308-57-410	REP	97-12-015
308-48-150	AMD	97-21-062	308-56A-370	NEW-P	97-09-002	308-57-420	REP-P	97-07-069
308-48-160	AMD-P	97-16-062	308-56A-370	NEW-W	97-13-009	308-57-420	REP	97-12-015
308-48-160	AMD	97-21-062	308-56A-400	REP-P	97-09-002	308-57-430	REP-P	97-07-069
308-48-810	NEW-P	97-16-060	308-56A-400	REP-W	97-13-009	308-57-430	REP	97-12-015
308-48-810	NEW	97-21-063	308-56A-400	PREP-XR	97-19-041	308-57-440	REP-P	97-07-069
308-48-820	NEW-P	97-16-060	308-56A-405	REP-P	97-09-002	308-57-440	REP	97-12-015
308-48-820	NEW	97-21-063	308-56A-405	REP-W	97-13-009	308-58-010	AMD-P	97-03-096
308-48-830	NEW-P	97-16-060	308-56A-410	REP-P	97-09-002	308-58-010	AMD-S	97-08-005
308-48-830	NEW	97-21-063	308-56A-410	REP-W	97-13-009	308-58-010	AMD	97-11-049
308-49-162	REP-P	97-16-061	308-56A-415	REP-P	97-09-002	308-58-030	AMD-P	97-03-096
308-49-162	REP	97-21-064	308-56A-415	REP-W	97-13-009	308-58-030	AMD-S	97-08-005
308-49-164	AMD-P	97-16-061	308-56A-470	AMD	97-07-014	308-58-030	AMD	97-11-049
308-49-164	AMD	97-21-064	308-56A-610	AMD-P	97-06-028	308-58-040	AMD-P	97-03-096

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-58-040	AMD-S	97-08-005	308-96A-550	AMD-P	97-21-055	308-330-421	AMD-P	97-07-015
308-58-040	AMD	97-11-049	308-96A-560	AMD-P	97-21-055	308-330-421	AMD	97-10-068
308-58-050	NEW-P	97-03-096	308-124-021	AMD-P	97-21-051	308-330-425	AMD-P	97-07-015
308-58-050	NEW-S	97-08-005	308-124-025	NEW-P	97-21-051	308-330-425	AMD	97-10-068
308-58-050	NEW	97-11-049	308-124-035	NEW-P	97-21-051	308-330-425	AMD-E	97-12-043
308-61-108	PREP	97-20-108	308-124-045	NEW-P	97-21-051	308-330-425	AMD-P	97-12-044
308-66-140	PREP	97-20-108	308-124A-120	AMD-P	97-21-051	308-330-425	AMD	97-16-041
308-72-506	PREP-X	97-13-026	308-124A-200	AMD-P	97-21-051	308-330-436	AMD-P	97-07-015
308-72-506	REP	97-17-062	308-124A-205	AMD-P	97-21-051	308-330-436	AMD	97-10-068
308-72-510	PREP-X	97-13-026	308-124C-030	AMD-P	97-21-051	308-330-462	AMD-P	97-07-015
308-72-510	REP	97-17-062	308-124D-061	AMD-P	97-21-051	308-330-462	AMD	97-10-068
308-72-543	PREP-X	97-13-026	308-124F-030	PREP	97-18-068	308-330-800	AMD-P	97-07-015
308-72-543	REP	97-17-062	308-124F-040	REP-P	97-21-051	308-330-800	AMD	97-10-068
308-76-005	PREP-X	97-13-026	308-125-120	PREP	97-09-082	308-330-825	AMD-P	97-07-015
308-76-005	REP	97-17-062	308-125-120	PREP	97-09-083	308-330-825	AMD	97-10-068
308-76-400	PREP-X	97-13-026	308-125-120	PREP	97-11-059	308-420-250	NEW-P	97-07-034
308-76-400	REP	97-17-062	308-125-120	AMD-P	97-13-030	308-420-250	NEW	97-10-048
308-76-405	PREP-X	97-13-026	308-125-120	AMD-P	97-15-101	308-420-260	NEW-P	97-07-034
308-76-405	REP	97-17-062	308-125-120	AMD	97-16-042	308-420-260	NEW	97-10-048
308-76-410	PREP-X	97-13-026	308-125-120	AMD-C	97-18-032	308-420-270	NEW-P	97-07-034
308-76-410	REP	97-17-062	308-125-120	AMD	97-21-077	308-420-270	NEW	97-10-048
308-76-415	PREP-X	97-13-026	308-127-310	NEW-P	97-07-028	314-60-040	PREP	97-13-070
308-76-415	REP	97-17-062	308-127-310	NEW	97-10-051	315-06	PREP	97-11-057
308-76-420	PREP-X	97-13-026	308-127-320	NEW-P	97-07-028	315-06	PREP	97-16-116
308-76-420	REP	97-17-062	308-127-320	NEW	97-10-051	315-06-120	AMD-P	97-15-123
308-76-425	PREP-X	97-13-026	308-127-330	NEW-P	97-07-028	315-06-120	AMD	97-20-052
308-76-425	REP	97-17-062	308-127-330	NEW	97-10-051	315-06-123	AMD-P	97-15-123
308-76-430	PREP-X	97-13-026	308-300-310	PREP	97-14-088	315-06-123	AMD	97-20-052
308-76-430	REP	97-17-062	308-300-310	REP-P	97-21-150	315-10-010	AMD	97-04-047
308-77-030	PREP-X	97-13-026	308-310-010	NEW-P	97-21-150	315-10-020	AMD	97-04-047
308-77-030	REP	97-17-062	308-310-020	NEW-P	97-21-150	315-10-022	NEW	97-04-047
308-77-090	PREP-X	97-13-026	308-310-030	NEW-P	97-21-150	315-10-025	NEW	97-04-047
308-77-090	REP	97-17-062	308-310-040	NEW-P	97-21-150	315-10-030	AMD	97-04-047
308-80-015	PREP	97-20-108	308-310-050	NEW-P	97-21-150	315-10-035	NEW	97-04-047
308-80-020	PREP	97-20-108	308-310-060	NEW-P	97-21-150	315-10-055	NEW	97-04-047
308-93	PREP	97-12-026	308-310-070	NEW-P	97-21-150	315-10-060	AMD	97-04-047
308-93	PREP	97-21-105	308-310-080	NEW-P	97-21-150	315-10-062	NEW	97-04-047
308-93-050	AMD-P	97-21-056	308-310-090	NEW-P	97-21-150	315-10-065	NEW	97-04-047
308-93-055	NEW-P	97-21-056	308-330-121	REP-P	97-07-015	315-10-070	AMD	97-04-047
308-93-640	AMD-P	97-21-056	308-330-121	REP	97-10-068	315-10-075	NEW	97-04-047
308-94	PREP	97-21-103	308-330-123	REP-P	97-07-015	315-11-600	PREP-X	97-14-016
308-95-010	PREP-X	97-13-026	308-330-123	REP	97-10-068	315-11-600	REP	97-20-051
308-95-010	REP	97-17-062	308-330-197	AMD-P	97-07-015	315-11-601	PREP-X	97-14-016
308-95-020	PREP-X	97-13-026	308-330-197	AMD	97-10-068	315-11-601	REP	97-20-051
308-95-020	REP	97-17-062	308-330-200	AMD-P	97-07-015	315-11-602	PREP-X	97-14-016
308-95-030	PREP-X	97-13-026	308-330-200	AMD	97-10-068	315-11-602	REP	97-20-051
308-95-030	REP	97-17-062	308-330-300	AMD-P	97-07-015	315-11-610	PREP-X	97-14-016
308-96A	PREP	97-12-067	308-330-300	AMD	97-10-068	315-11-610	REP	97-20-051
308-96A	PREP	97-20-057	308-330-305	AMD-P	97-07-015	315-11-611	PREP-X	97-14-016
308-96A	PREP	97-21-104	308-330-305	AMD	97-10-068	315-11-611	REP	97-20-051
308-96A-005	AMD-P	97-06-027	308-330-307	AMD-P	97-07-015	315-11-612	PREP-X	97-14-016
308-96A-005	AMD	97-10-003	308-330-307	AMD	97-10-068	315-11-612	REP	97-20-051
308-96A-046	AMD-P	97-03-028	308-330-307	AMD-E	97-12-043	315-11-620	PREP-X	97-14-016
308-96A-046	AMD	97-07-013	308-330-307	AMD-P	97-12-044	315-11-620	REP	97-20-051
308-96A-056	AMD-P	97-03-028	308-330-307	AMD	97-16-041	315-11-621	PREP-X	97-14-016
308-96A-056	AMD	97-07-013	308-330-316	AMD-P	97-07-015	315-11-621	REP	97-20-051
308-96A-057	AMD-P	97-03-028	308-330-316	AMD	97-10-068	315-11-622	PREP-X	97-14-016
308-96A-057	AMD	97-07-013	308-330-322	AMD-P	97-07-015	315-11-622	REP	97-20-051
308-96A-072	AMD-P	97-03-028	308-330-322	AMD	97-10-068	315-11-630	PREP-X	97-14-016
308-96A-072	AMD	97-07-013	308-330-329	REP-P	97-07-015	315-11-630	REP	97-20-051
308-96A-072	AMD-P	97-21-055	308-330-329	REP	97-10-068	315-11-631	PREP-X	97-14-016
308-96A-073	AMD	97-07-014	308-330-370	AMD-P	97-07-015	315-11-631	REP	97-20-051
308-96A-074	AMD	97-07-014	308-330-370	AMD	97-10-068	315-11-632	PREP-X	97-14-016
308-96A-075	REP	97-07-014	308-330-375	REP-P	97-07-015	315-11-632	REP	97-20-051
308-96A-136	AMD-P	97-03-028	308-330-375	REP	97-10-068	315-11-640	PREP-X	97-14-016
308-96A-136	AMD	97-07-013	308-330-400	AMD-P	97-07-015	315-11-640	REP	97-20-051
308-96A-161	AMD-P	97-06-027	308-330-400	AMD	97-10-068	315-11-641	PREP-X	97-14-016
308-96A-161	AMD	97-10-003	308-330-406	AMD-P	97-07-015	315-11-641	REP	97-20-051
308-96A-162	AMD-P	97-06-027	308-330-406	AMD	97-10-068	315-11-642	PREP-X	97-14-016
308-96A-162	AMD	97-10-003	308-330-408	AMD-P	97-07-015	315-11-642	REP	97-20-051
308-96A-315	PREP-XR	97-19-041	308-330-408	AMD	97-10-068	315-11-650	PREP-X	97-14-016
308-96A-415	REP-P	97-21-055	308-330-415	AMD-P	97-07-015	315-11-650	REP	97-20-051
308-96A-420	REP-P	97-21-055	308-330-415	AMD	97-10-068	315-11-651	PREP-X	97-14-016

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
315-11-651	REP	97-20-051	315-11-772	PREP-X	97-14-016	315-11-892	REP	97-20-051
315-11-652	PREP-X	97-14-016	315-11-772	REP	97-20-051	315-11-900	PREP-X	97-14-016
315-11-652	REP	97-20-051	315-11-780	PREP-X	97-14-016	315-11-900	REP	97-20-051
315-11-660	PREP-X	97-14-016	315-11-780	REP	97-20-051	315-11-901	PREP-X	97-14-016
315-11-660	REP	97-20-051	315-11-781	PREP-X	97-14-016	315-11-901	REP	97-20-051
315-11-661	PREP-X	97-14-016	315-11-781	REP	97-20-051	315-11-902	PREP-X	97-14-016
315-11-661	REP	97-20-051	315-11-782	PREP-X	97-14-016	315-11-902	REP	97-20-051
315-11-662	PREP-X	97-14-016	315-11-782	REP	97-20-051	315-11-910	PREP-X	97-14-016
315-11-662	REP	97-20-051	315-11-790	PREP-X	97-14-016	315-11-910	REP	97-20-051
315-11-670	PREP-X	97-14-016	315-11-790	REP	97-20-051	315-11-911	PREP-X	97-14-016
315-11-670	REP	97-20-051	315-11-791	PREP-X	97-14-016	315-11-911	REP	97-20-051
315-11-671	PREP-X	97-14-016	315-11-791	REP	97-20-051	315-11-912	PREP-X	97-14-016
315-11-671	REP	97-20-051	315-11-792	PREP-X	97-14-016	315-11-912	REP	97-20-051
315-11-672	PREP-X	97-14-016	315-11-792	REP	97-20-051	315-11-920	PREP-X	97-14-016
315-11-672	REP	97-20-051	315-11-800	PREP-X	97-14-016	315-11-920	REP	97-20-051
315-11-680	PREP-X	97-14-016	315-11-800	REP	97-20-051	315-11-921	PREP-X	97-14-016
315-11-680	REP	97-20-051	315-11-801	PREP-X	97-14-016	315-11-921	REP	97-20-051
315-11-681	PREP-X	97-14-016	315-11-801	REP	97-20-051	315-11-922	PREP-X	97-14-016
315-11-681	REP	97-20-051	315-11-802	PREP-X	97-14-016	315-11-922	REP	97-20-051
315-11-682	PREP-X	97-14-016	315-11-802	REP	97-20-051	315-11-930	PREP-X	97-14-016
315-11-682	REP	97-20-051	315-11-810	PREP-X	97-14-016	315-11-930	REP	97-20-051
315-11-690	PREP-X	97-14-016	315-11-810	REP	97-20-051	315-11-931	PREP-X	97-14-016
315-11-690	REP	97-20-051	315-11-811	PREP-X	97-14-016	315-11-931	REP	97-20-051
315-11-691	PREP-X	97-14-016	315-11-811	REP	97-20-051	315-11-932	PREP-X	97-14-016
315-11-691	REP	97-20-051	315-11-812	PREP-X	97-14-016	315-11-932	REP	97-20-051
315-11-692	PREP-X	97-14-016	315-11-812	REP	97-20-051	315-11-940	PREP-X	97-14-016
315-11-692	REP	97-20-051	315-11-820	PREP-X	97-14-016	315-11-940	REP	97-20-051
315-11-703	PREP-X	97-14-016	315-11-820	REP	97-20-051	315-11-941	PREP-X	97-14-016
315-11-703	REP	97-20-051	315-11-821	PREP-X	97-14-016	315-11-941	REP	97-20-051
315-11-704	PREP-X	97-14-016	315-11-821	REP	97-20-051	315-11-942	PREP-X	97-14-016
315-11-704	REP	97-20-051	315-11-822	PREP-X	97-14-016	315-11-942	REP	97-20-051
315-11-705	PREP-X	97-14-016	315-11-822	REP	97-20-051	315-11-950	PREP-X	97-14-016
315-11-705	REP	97-20-051	315-11-830	PREP-X	97-14-016	315-11-950	REP	97-20-051
315-11-710	PREP-X	97-14-016	315-11-830	REP	97-20-051	315-11-951	PREP-X	97-14-016
315-11-710	REP	97-20-051	315-11-831	PREP-X	97-14-016	315-11-951	REP	97-20-051
315-11-711	PREP-X	97-14-016	315-11-831	REP	97-20-051	315-11-952	PREP-X	97-14-016
315-11-711	REP	97-20-051	315-11-832	PREP-X	97-14-016	315-11-952	REP	97-20-051
315-11-712	PREP-X	97-14-016	315-11-832	REP	97-20-051	315-11-960	PREP-X	97-14-016
315-11-712	REP	97-20-051	315-11-840	PREP-X	97-14-016	315-11-960	REP	97-20-051
315-11-720	PREP-X	97-14-016	315-11-840	REP	97-20-051	315-11-961	PREP-X	97-14-016
315-11-720	REP	97-20-051	315-11-841	PREP-X	97-14-016	315-11-961	REP	97-20-051
315-11-721	PREP-X	97-14-016	315-11-841	REP	97-20-051	315-11-962	PREP-X	97-14-016
315-11-721	REP	97-20-051	315-11-842	PREP-X	97-14-016	315-11-962	REP	97-20-051
315-11-722	PREP-X	97-14-016	315-11-842	REP	97-20-051	315-11-970	PREP-X	97-14-016
315-11-722	REP	97-20-051	315-11-850	PREP-X	97-14-016	315-11-970	REP	97-20-051
315-11-730	PREP-X	97-14-016	315-11-850	REP	97-20-051	315-11-971	PREP-X	97-14-016
315-11-730	REP	97-20-051	315-11-851	PREP-X	97-14-016	315-11-971	REP	97-20-051
315-11-731	PREP-X	97-14-016	315-11-851	REP	97-20-051	315-11-972	PREP-X	97-14-016
315-11-731	REP	97-20-051	315-11-852	PREP-X	97-14-016	315-11-972	REP	97-20-051
315-11-732	PREP-X	97-14-016	315-11-852	REP	97-20-051	315-11-980	PREP-X	97-14-016
315-11-732	REP	97-20-051	315-11-860	PREP-X	97-14-016	315-11-980	REP	97-20-051
315-11-740	PREP-X	97-14-016	315-11-860	REP	97-20-051	315-11-981	PREP-X	97-14-016
315-11-740	REP	97-20-051	315-11-861	PREP-X	97-14-016	315-11-981	REP	97-20-051
315-11-741	PREP-X	97-14-016	315-11-861	REP	97-20-051	315-11-982	PREP-X	97-14-016
315-11-741	REP	97-20-051	315-11-862	PREP-X	97-14-016	315-11-982	REP	97-20-051
315-11-742	PREP-X	97-14-016	315-11-862	REP	97-20-051	315-11-990	PREP-X	97-14-016
315-11-742	REP	97-20-051	315-11-870	PREP-X	97-14-016	315-11-990	REP	97-20-051
315-11-753	PREP-X	97-14-016	315-11-870	REP	97-20-051	315-11-991	PREP-X	97-14-016
315-11-753	REP	97-20-051	315-11-871	PREP-X	97-14-016	315-11-991	REP	97-20-051
315-11-754	PREP-X	97-14-016	315-11-871	REP	97-20-051	315-11-992	PREP-X	97-14-016
315-11-754	REP	97-20-051	315-11-872	PREP-X	97-14-016	315-11-992	REP	97-20-051
315-11-755	PREP-X	97-14-016	315-11-872	REP	97-20-051	315-11A	PREP	97-16-116
315-11-755	REP	97-20-051	315-11-880	PREP-X	97-14-016	315-11A-100	PREP-X	97-14-016
315-11-760	PREP-X	97-14-016	315-11-880	REP	97-20-051	315-11A-100	REP	97-20-051
315-11-760	REP	97-20-051	315-11-881	PREP-X	97-14-016	315-11A-101	PREP-X	97-14-016
315-11-761	PREP-X	97-14-016	315-11-881	REP	97-20-051	315-11A-101	REP	97-20-051
315-11-761	REP	97-20-051	315-11-882	PREP-X	97-14-016	315-11A-102	PREP-X	97-14-016
315-11-762	PREP-X	97-14-016	315-11-882	REP	97-20-051	315-11A-102	REP	97-20-051
315-11-762	REP	97-20-051	315-11-890	PREP-X	97-14-016	315-11A-103	PREP-X	97-14-016
315-11-770	PREP-X	97-14-016	315-11-890	REP	97-20-051	315-11A-103	REP	97-20-051
315-11-770	REP	97-20-051	315-11-891	PREP-X	97-14-016	315-11A-104	PREP-X	97-14-016
315-11-771	PREP-X	97-14-016	315-11-891	REP	97-20-051	315-11A-104	REP	97-20-051
315-11-771	REP	97-20-051	315-11-892	PREP-X	97-14-016	315-11A-105	PREP-X	97-14-016

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
315-11A-105	REP	97-20-051	315-11A-191	NEW-P	97-03-123	315-33-060	REP	97-20-051
315-11A-106	PREP-X	97-14-016	315-11A-191	NEW	97-07-063	315-33-070	PREP-X	97-14-016
315-11A-106	REP	97-20-051	315-11A-192	NEW-P	97-07-062	315-33-070	REP	97-20-051
315-11A-107	PREP-X	97-14-016	315-11A-192	NEW	97-11-003	315-33B-010	PREP-X	97-14-016
315-11A-107	REP	97-20-051	315-11A-193	NEW-P	97-07-062	315-33B-010	REP	97-20-051
315-11A-108	PREP-X	97-14-016	315-11A-193	NEW	97-11-003	315-33B-020	PREP-X	97-14-016
315-11A-108	REP	97-20-051	315-11A-194	NEW-P	97-07-062	315-33B-020	REP	97-20-051
315-11A-109	PREP-X	97-14-016	315-11A-194	NEW	97-11-003	315-33B-030	PREP-X	97-14-016
315-11A-109	REP	97-20-051	315-11A-195	NEW-P	97-07-062	315-33B-030	REP	97-20-051
315-11A-110	PREP-X	97-14-016	315-11A-195	NEW	97-11-003	315-33B-040	PREP-X	97-14-016
315-11A-110	REP	97-20-051	315-11A-196	NEW-P	97-11-058	315-33B-040	REP	97-20-051
315-11A-111	PREP-X	97-14-016	315-11A-196	NEW	97-15-122	315-33B-050	PREP-X	97-14-016
315-11A-111	REP	97-20-051	315-11A-197	NEW-P	97-11-058	315-33B-050	REP	97-20-051
315-11A-112	PREP-X	97-14-016	315-11A-197	NEW	97-15-122	315-33B-060	PREP-X	97-14-016
315-11A-112	REP	97-20-051	315-11A-198	NEW-P	97-11-058	315-33B-060	REP	97-20-051
315-11A-113	PREP-X	97-14-016	315-11A-198	NEW	97-15-122	315-33B-070	PREP-X	97-14-016
315-11A-113	REP	97-20-051	315-11A-199	NEW-P	97-11-058	315-33B-070	REP	97-20-051
315-11A-114	PREP-X	97-14-016	315-11A-199	NEW	97-15-122	315-34	PREP	97-11-057
315-11A-114	REP	97-20-051	315-11A-200	NEW-P	97-11-058	315-34	PREP	97-16-116
315-11A-115	PREP-X	97-14-016	315-11A-200	NEW	97-15-122	315-34-040	AMD-P	97-15-123
315-11A-115	REP	97-20-051	315-11A-201	NEW-P	97-11-058	315-34-040	AMD-W	97-20-054
315-11A-116	PREP-X	97-14-016	315-11A-201	NEW	97-15-122	315-34-040	AMD-P	97-20-131
315-11A-116	REP	97-20-051	315-11A-202	NEW-P	97-11-058	315-34-050	AMD-P	97-20-131
315-11A-117	PREP-X	97-14-016	315-11A-202	NEW	97-15-122	315-34-055	NEW-P	97-20-131
315-11A-117	REP	97-20-051	315-11A-203	NEW-P	97-11-058	315-40-010	PREP-X	97-14-016
315-11A-118	PREP-X	97-14-016	315-11A-203	NEW	97-15-122	315-40-010	REP	97-20-051
315-11A-118	REP	97-20-051	315-11A-204	NEW-P	97-15-123	315-40-020	PREP-X	97-14-016
315-11A-119	PREP-X	97-14-016	315-11A-204	NEW	97-20-052	315-40-020	REP	97-20-051
315-11A-119	REP	97-20-051	315-11A-205	NEW-P	97-15-123	315-40-030	PREP-X	97-14-016
315-11A-120	PREP-X	97-14-016	315-11A-205	NEW	97-20-052	315-40-030	REP	97-20-051
315-11A-120	REP	97-20-051	315-11A-206	NEW-P	97-15-123	315-40-040	PREP-X	97-14-016
315-11A-121	PREP-X	97-14-016	315-11A-206	NEW	97-20-052	315-40-040	REP	97-20-051
315-11A-121	REP	97-20-051	315-11A-207	NEW-P	97-15-123	315-40-050	PREP-X	97-14-016
315-11A-122	PREP-X	97-14-016	315-11A-207	NEW	97-20-052	315-40-050	REP	97-20-051
315-11A-122	REP	97-20-051	315-11A-208	NEW-P	97-20-131	315-40-060	PREP-X	97-14-016
315-11A-123	PREP-X	97-14-016	315-11A-209	NEW-P	97-20-131	315-40-060	REP	97-20-051
315-11A-123	REP	97-20-051	315-11A-210	NEW-P	97-20-131	315-40-070	PREP-X	97-14-016
315-11A-124	PREP-X	97-14-016	315-11A-211	NEW-P	97-20-131	315-40-070	REP	97-20-051
315-11A-124	REP	97-20-051	315-11A-212	NEW-P	97-20-131	315-40-080	PREP-X	97-14-016
315-11A-125	PREP-X	97-14-016	315-11A-213	NEW-P	97-20-131	315-40-080	REP	97-20-051
315-11A-125	REP	97-20-051	315-11A-214	NEW-P	97-20-131	315-41-50100	PREP-X	97-14-016
315-11A-126	PREP-X	97-14-016	315-12-020	AMD-P	97-03-123	315-41-50100	REP	97-20-051
315-11A-126	REP	97-20-051	315-12-020	AMD	97-07-063	315-41-50110	PREP-X	97-14-016
315-11A-127	PREP-X	97-14-016	315-12-030	PREP	97-07-061	315-41-50110	REP	97-20-051
315-11A-127	REP	97-20-051	315-12-030	AMD-P	97-11-058	315-41-50120	PREP-X	97-14-016
315-11A-128	PREP-X	97-14-016	315-12-030	AMD	97-15-122	315-41-50120	REP	97-20-051
315-11A-128	REP	97-20-051	315-12-080	AMD-P	97-03-123	315-41-50200	PREP-X	97-14-016
315-11A-129	PREP-X	97-14-016	315-12-080	AMD	97-07-063	315-41-50200	REP	97-20-051
315-11A-129	REP	97-20-051	315-12-090	AMD-P	97-03-123	315-41-50210	PREP-X	97-14-016
315-11A-130	PREP-X	97-14-016	315-12-090	AMD	97-07-063	315-41-50210	REP	97-20-051
315-11A-130	REP	97-20-051	315-32-010	PREP-X	97-14-016	315-41-50220	PREP-X	97-14-016
315-11A-131	PREP-X	97-14-016	315-32-010	REP	97-20-051	315-41-50220	REP	97-20-051
315-11A-131	REP	97-20-051	315-32-020	PREP-X	97-14-016	315-41-50300	PREP-X	97-14-016
315-11A-132	PREP-X	97-14-016	315-32-020	REP	97-20-051	315-41-50300	REP	97-20-051
315-11A-132	REP	97-20-051	315-32-030	PREP-X	97-14-016	315-41-50310	PREP-X	97-14-016
315-11A-133	PREP-X	97-14-016	315-32-030	REP	97-20-051	315-41-50310	REP	97-20-051
315-11A-133	REP	97-20-051	315-32-040	PREP-X	97-14-016	315-41-50320	PREP-X	97-14-016
315-11A-134	PREP-X	97-14-016	315-32-040	REP	97-20-051	315-41-50320	REP	97-20-051
315-11A-134	REP	97-20-051	315-32-050	PREP-X	97-14-016	315-41-50400	PREP-X	97-14-016
315-11A-135	PREP-X	97-14-016	315-32-050	REP	97-20-051	315-41-50400	REP	97-20-051
315-11A-135	REP	97-20-051	315-32-060	PREP-X	97-14-016	315-41-50410	PREP-X	97-14-016
315-11A-136	PREP-X	97-14-016	315-32-060	REP	97-20-051	315-41-50410	REP	97-20-051
315-11A-136	REP	97-20-051	315-33-010	PREP-X	97-14-016	315-41-50420	PREP-X	97-14-016
315-11A-184	AMD-P	97-03-123	315-33-010	REP	97-20-051	315-41-50420	REP	97-20-051
315-11A-184	AMD	97-07-063	315-33-020	PREP-X	97-14-016	315-41-50500	PREP-X	97-14-016
315-11A-187	NEW-P	97-03-123	315-33-020	REP	97-20-051	315-41-50500	REP	97-20-051
315-11A-187	NEW	97-07-063	315-33-030	PREP-X	97-14-016	315-41-50510	PREP-X	97-14-016
315-11A-188	NEW-P	97-03-123	315-33-030	REP	97-20-051	315-41-50510	REP	97-20-051
315-11A-188	NEW	97-07-063	315-33-040	PREP-X	97-14-016	315-41-50520	PREP-X	97-14-016
315-11A-189	NEW-P	97-03-123	315-33-040	REP	97-20-051	315-41-50520	REP	97-20-051
315-11A-189	NEW	97-07-063	315-33-050	PREP-X	97-14-016	315-41-50600	PREP-X	97-14-016
315-11A-190	NEW-P	97-03-123	315-33-050	REP	97-20-051	315-41-50600	REP	97-20-051
315-11A-190	NEW	97-07-063	315-33-060	PREP-X	97-14-016	315-41-50610	PREP-X	97-14-016

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
315-41-50610	REP	97-20-051	352-24-160	REP-P	97-21-132	356-30-065	AMD-W	97-13-044
315-41-50620	PREP-X	97-14-016	352-24-170	REP-P	97-21-132	356-30-065	AMD-P	97-16-013
315-41-50620	REP	97-20-051	352-24-180	REP-P	97-21-132	356-30-065	AMD	97-19-044
317-01-010	PREP-XR	97-20-047	352-24-190	REP-P	97-21-132	356-30-067	AMD-E	97-09-028
317-01-020	PREP-XR	97-20-047	352-24-200	REP-P	97-21-132	356-30-067	AMD-P	97-10-090
317-01-030	PREP-XR	97-20-047	352-24-210	REP-P	97-21-132	356-30-067	AMD-W	97-13-044
317-02-010	PREP-XR	97-20-047	352-24-220	REP-P	97-21-132	356-30-067	AMD-P	97-16-013
317-02-020	PREP-XR	97-20-047	352-24-230	REP-P	97-21-132	356-30-067	AMD	97-19-044
317-02-030	PREP-XR	97-20-047	352-24-240	REP-P	97-21-132	356-30-330	AMD-P	97-12-079
317-02-040	PREP-XR	97-20-047	352-24-250	REP-P	97-21-132	356-30-330	AMD-C	97-16-015
317-02-050	PREP-XR	97-20-047	352-24-260	REP-P	97-21-132	356-34-020	AMD-P	97-12-079
317-02-060	PREP-XR	97-20-047	352-24-270	REP-P	97-21-132	356-34-020	AMD	97-16-015
317-02-070	PREP-XR	97-20-047	352-24-280	REP-P	97-21-132	356-56-035	AMD-P	97-20-119
317-02-080	PREP-XR	97-20-047	352-32	PREP	97-18-070	356-56-115	AMD-P	97-14-100
317-02-090	PREP-XR	97-20-047	352-32-010	PREP	97-15-152	356-56-115	AMD	97-17-041
317-02-100	PREP-XR	97-20-047	352-32-010	AMD-P	97-18-080	356-56-205	AMD-P	97-14-100
317-02-110	PREP-XR	97-20-047	352-32-010	AMD	97-21-133	356-56-205	AMD	97-17-041
317-02-120	PREP-XR	97-20-047	352-32-210	PREP	97-15-152	356-56-550	AMD-P	97-14-100
317-03-010	PREP-XR	97-20-047	352-32-210	AMD-P	97-18-080	356-56-550	AMD	97-17-041
317-03-020	PREP-XR	97-20-047	352-32-210	AMD	97-21-133	359-07	AMD-P	97-20-064
317-31-200	AMD-P	97-07-065	352-32-235	PREP	97-06-063	359-09	AMD-P	97-20-064
317-31-200	AMD	97-10-097	352-32-235	AMD-P	97-09-081	359-39	AMD-P	97-20-064
317-31-220	AMD-P	97-07-065	352-32-235	AMD-W	97-09-113	359-48	AMD-P	97-20-064
317-31-220	AMD	97-10-097	352-32-235	AMD-P	97-09-114	363-11-001	RECOD	97-08-042
317-31-230	AMD-P	97-07-065	352-32-235	AMD	97-12-042	363-11-003	RECOD	97-08-042
317-31-230	AMD	97-10-097	352-32-250	PREP	97-15-152	363-11-010	RECOD	97-08-042
317-40	PREP	97-07-066	352-32-250	AMD-P	97-18-080	363-11-020	RECOD	97-08-042
317-50-010	NEW-P	97-07-064	352-32-250	AMD	97-21-133	363-11-030	RECOD	97-08-042
317-50-010	NEW	97-10-096	352-32-251	AMD-P	97-18-080	363-11-040	RECOD	97-08-042
317-50-020	NEW-P	97-07-064	352-32-251	AMD	97-21-133	363-11-050	RECOD	97-08-042
317-50-020	NEW	97-10-096	352-32-252	PREP	97-15-152	363-11-060	RECOD	97-08-042
317-50-030	NEW-P	97-07-064	352-32-270	PREP	97-15-113	363-11-070	RECOD	97-08-042
317-50-030	NEW	97-10-096	352-32-270	AMD-P	97-18-080	363-11-080	RECOD	97-08-042
317-50-040	NEW-P	97-07-064	352-32-270	AMD	97-21-133	363-11-090	RECOD	97-08-042
317-50-040	NEW	97-10-096	352-76	PREP	97-20-080	363-11-100	RECOD	97-08-042
317-50-050	NEW-P	97-07-064	356-05-055	AMD-P	97-08-089	363-11-110	RECOD	97-08-042
317-50-050	NEW	97-10-096	356-05-055	AMD-W	97-10-088	363-11-120	RECOD	97-08-042
317-50-060	NEW-P	97-07-064	356-05-075	AMD-P	97-12-079	363-11-130	RECOD	97-08-042
317-50-060	NEW	97-10-096	356-05-075	AMD-C	97-16-015	363-11-140	RECOD	97-08-042
317-50-070	NEW-P	97-07-064	356-05-390	AMD-P	97-20-065	363-11-150	RECOD	97-08-042
317-50-070	NEW	97-10-096	356-05-422	NEW-P	97-12-079	363-11-160	RECOD	97-08-042
317-50-080	NEW-P	97-07-064	356-05-422	NEW-C	97-16-015	363-11-170	RECOD	97-08-042
317-50-080	NEW	97-10-096	356-06-020	AMD-P	97-08-089	363-11-180	RECOD	97-08-042
317-50-900	NEW-P	97-07-064	356-06-020	AMD-W	97-10-088	363-11-190	RECOD	97-08-042
317-50-900	NEW	97-10-096	356-06-060	AMD-P	97-08-089	363-11-200	RECOD	97-08-042
326-02-034	AMD-P	97-09-094	356-06-060	AMD-W	97-10-088	363-11-210	RECOD	97-08-042
326-02-034	AMD	97-17-045	356-06-070	REP-P	97-08-089	363-11-220	RECOD	97-08-042
326-30-041	PREP	97-09-093	356-06-070	REP-W	97-10-088	363-11-230	RECOD	97-08-042
326-30-041	AMD-P	97-13-067	356-06-080	REP-P	97-08-089	363-11-240	RECOD	97-08-042
326-30-041	AMD	97-16-073	356-06-080	REP-W	97-10-088	363-11-250	RECOD	97-08-042
332-24-221	AMD-P	97-09-065	356-06-090	REP-P	97-08-089	363-11-260	RECOD	97-08-042
332-24-221	AMD	97-12-033	356-06-090	REP-W	97-10-088	363-11-270	RECOD	97-08-042
332-24-720	AMD	97-05-066	356-10-030	AMD-P	97-08-089	363-11-280	RECOD	97-08-042
332-24-730	AMD	97-05-066	356-10-030	AMD-W	97-10-088	363-11-290	RECOD	97-08-042
332-26-040	NEW-E	97-14-044	356-14-010	AMD-P	97-12-079	363-11-300	RECOD	97-08-042
332-26-050	NEW-E	97-14-044	356-14-010	AMD-C	97-16-015	363-11-310	RECOD	97-08-042
352-12	PREP	97-18-071	356-14-069	NEW-P	97-12-079	363-11-320	RECOD	97-08-042
352-24	PREP	97-18-069	356-14-069	NEW-C	97-16-015	363-11-330	RECOD	97-08-042
352-24-010	AMD-P	97-21-132	356-14-110	AMD-P	97-12-079	363-11-340	RECOD	97-08-042
352-24-020	REP-P	97-21-132	356-14-110	AMD-C	97-16-015	363-11-350	RECOD	97-08-042
352-24-030	REP-P	97-21-132	356-14-120	AMD-P	97-12-079	363-11-360	RECOD	97-08-042
352-24-040	REP-P	97-21-132	356-14-120	AMD-C	97-16-015	363-11-370	RECOD	97-08-042
352-24-050	REP-P	97-21-132	356-14-140	AMD-P	97-12-079	363-11-380	RECOD	97-08-042
352-24-060	REP-P	97-21-132	356-14-140	AMD-C	97-16-015	363-11-390	RECOD	97-08-042
352-24-070	REP-P	97-21-132	356-14-160	AMD-P	97-12-079	363-11-400	RECOD	97-08-042
352-24-080	REP-P	97-21-132	356-14-160	AMD-C	97-16-015	363-11-410	RECOD	97-08-042
352-24-090	REP-P	97-21-132	356-15-060	AMD-P	97-20-061	363-11-420	RECOD	97-08-042
352-24-100	REP-P	97-21-132	356-15-090	AMD-P	97-20-061	363-11-430	RECOD	97-08-042
352-24-110	REP-P	97-21-132	356-15-130	AMD-P	97-20-061	363-11-440	RECOD	97-08-042
352-24-120	REP-P	97-21-132	356-15-130	AMD-P	97-20-062	363-11-450	RECOD	97-08-042
352-24-130	REP-P	97-21-132	356-26-030	AMD-P	97-16-014	363-11-460	RECOD	97-08-042
352-24-140	REP-P	97-21-132	356-30-065	AMD-E	97-09-028	363-11-470	RECOD	97-08-042
352-24-150	REP-P	97-21-132	356-30-065	AMD-P	97-10-090	363-11-480	RECOD	97-08-042

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
363-11-490	RECOD	97-08-042	365-135-010	AMD	97-02-093	388-11-285	AMD-W	97-10-083
363-11-500	RECOD	97-08-042	365-135-020	AMD	97-02-093	388-11-400	AMD-P	97-13-087
363-11-510	RECOD	97-08-042	365-135-035	NEW	97-02-093	388-11-400	AMD	97-16-037
363-11-520	RECOD	97-08-042	365-135-040	AMD	97-02-093	388-11-405	REP-P	97-13-087
363-11-530	RECOD	97-08-042	365-135-050	AMD	97-02-093	388-11-405	REP	97-16-037
363-11-540	RECOD	97-08-042	365-135-060	AMD	97-02-093	388-11-410	AMD-P	97-13-087
363-11-550	RECOD	97-08-042	365-135-070	AMD	97-02-093	388-11-410	AMD	97-16-037
363-11-560	RECOD	97-08-042	371-08-310	AMD-E	97-12-003	388-11-415	AMD-P	97-13-087
363-11-570	RECOD	97-08-042	371-08-310	AMD-P	97-15-056	388-11-415	AMD	97-16-037
363-11-580	RECOD	97-08-042	371-08-310	AMD	97-19-064	388-11-420	AMD-P	97-13-087
363-11-590	RECOD	97-08-042	371-08-335	AMD-E	97-12-003	388-11-420	AMD	97-16-037
363-116-010	RECOD	97-08-042	371-08-335	AMD-P	97-15-056	388-11-425	AMD-P	97-13-087
363-116-020	RECOD	97-08-042	371-08-335	AMD	97-19-064	388-11-425	AMD	97-16-037
363-116-030	RECOD	97-08-042	371-08-555	AMD-P	97-15-056	388-11-430	AMD-P	97-13-087
363-116-050	RECOD	97-08-042	371-08-555	AMD	97-19-064	388-11-430	AMD	97-16-037
363-116-060	RECOD	97-08-042	374-50-010	PREP-XR	97-19-054	388-11-4020	AMD-P	97-09-020
363-116-070	RECOD	97-08-042	374-50-020	PREP-XR	97-19-054	388-14-020	AMD	97-13-092
363-116-075	RECOD	97-08-042	374-50-030	PREP-XR	97-19-054	388-14-030	AMD-P	97-09-020
363-116-080	RECOD	97-08-042	374-50-035	PREP-XR	97-19-054	388-14-030	PREP	97-09-110
363-116-081	RECOD	97-08-042	374-50-040	PREP-XR	97-19-054	388-14-030	AMD-W	97-10-082
363-116-082	RECOD	97-08-042	374-50-050	PREP-XR	97-19-054	388-14-030	AMD-P	97-15-085
363-116-082	AMD-P	97-10-084	374-50-060	PREP-XR	97-19-054	388-14-030	AMD	97-18-075
363-116-082	AMD	97-14-032	374-50-070	PREP-XR	97-19-054	388-14-035	NEW-P	97-15-085
363-116-083	RECOD	97-08-042	374-50-080	PREP-XR	97-19-054	388-14-035	NEW	97-18-075
363-116-085	RECOD	97-08-042	374-50-090	PREP-XR	97-19-054	388-14-040	NEW-P	97-15-085
363-116-110	RECOD	97-08-042	374-70-020	AMD-P	97-03-113	388-14-040	NEW	97-18-075
363-116-115	RECOD	97-08-042	374-70-020	AMD	97-06-080	388-14-045	NEW-P	97-15-085
363-116-120	RECOD	97-08-042	374-70-020	AMD-E	97-07-049	388-14-045	NEW	97-18-075
363-116-140	RECOD	97-08-042	374-70-030	AMD-P	97-03-113	388-14-050	NEW-P	97-15-085
363-116-150	RECOD	97-08-042	374-70-030	AMD	97-06-080	388-14-050	NEW	97-18-075
363-116-170	RECOD	97-08-042	374-70-030	AMD-E	97-07-049	388-14-200	AMD-E	97-20-112
363-116-175	RECOD	97-08-042	374-70-060	AMD-P	97-03-113	388-14-201	NEW-E	97-20-112
363-116-185	RECOD	97-08-042	374-70-060	AMD	97-06-080	388-14-202	NEW-E	97-20-112
363-116-185	AMD-P	97-10-062	374-70-060	AMD-E	97-07-049	388-14-260	AMD-P	97-09-020
363-116-185	AMD	97-15-120	374-70-070	AMD-P	97-03-113	388-14-260	AMD	97-13-092
363-116-200	RECOD	97-08-042	374-70-070	AMD	97-06-080	388-14-270	AMD-P	97-09-020
363-116-205	RECOD	97-08-042	374-70-070	AMD-E	97-07-049	388-14-270	AMD	97-13-092
363-116-2051	RECOD	97-08-042	374-70-080	AMD-P	97-03-113	388-14-270	AMD-E	97-20-112
363-116-300	RECOD	97-08-042	374-70-080	AMD	97-06-080	388-14-271	NEW-P	97-09-020
363-116-300	AMD	97-12-017	374-70-080	AMD-E	97-07-049	388-14-271	NEW	97-13-092
363-116-315	RECOD	97-08-042	374-70-090	AMD-P	97-03-113	388-14-272	NEW-P	97-09-020
363-116-35001	RECOD	97-08-042	374-70-090	AMD	97-06-080	388-14-272	NEW	97-13-092
363-116-360	RECOD	97-08-042	374-70-090	AMD-E	97-07-049	388-14-274	NEW-P	97-09-020
363-116-360	AMD	97-12-018	374-70-100	AMD-P	97-03-113	388-14-274	NEW	97-13-092
363-116-370	RECOD	97-08-042	374-70-100	AMD	97-06-080	388-14-275	PREP	97-15-131
363-116-400	RECOD	97-08-042	374-70-100	AMD-E	97-07-049	388-14-275	REP-P	97-19-102
363-116-410	RECOD	97-08-042	374-70-110	REP-P	97-03-113	388-14-276	NEW-P	97-09-020
363-116-420	RECOD	97-08-042	374-70-110	REP	97-06-080	388-14-276	NEW	97-13-092
363-116-500	RECOD	97-08-042	374-70-110	REP-E	97-07-049	388-14-300	NEW-P	97-09-020
365-06-010	PREP-XR	97-20-036	374-70-120	AMD-P	97-03-113	388-14-300	AMD	97-13-092
365-06-020	PREP-XR	97-20-036	374-70-120	AMD	97-06-080	388-14-375	NEW-P	97-09-020
365-40-010	AMD-P	97-15-106	374-70-120	AMD-E	97-07-049	388-14-376	NEW	97-13-092
365-40-010	AMD	97-21-005	374-70-130	AMD-P	97-03-113	388-14-385	AMD-P	97-09-020
365-40-020	AMD-P	97-15-106	374-70-130	AMD	97-06-080	388-14-385	AMD	97-13-092
365-40-020	AMD	97-21-005	374-70-130	AMD-E	97-07-049	388-14-390	AMD-P	97-09-020
365-40-041	AMD-P	97-15-106	374-80-010	NEW-P	97-15-111	388-14-390	AMD	97-13-092
365-40-041	AMD	97-21-005	374-80-010	NEW	97-20-094	388-14-400	REP-P	97-09-020
365-40-051	AMD-P	97-15-106	374-80-020	NEW-P	97-15-111	388-14-400	REP	97-13-092
365-40-051	AMD	97-21-005	374-80-020	NEW	97-20-094	388-14-405	REP-P	97-09-020
365-40-071	AMD-P	97-15-106	374-80-030	NEW-P	97-15-111	388-14-405	REP	97-13-092
365-40-071	AMD	97-21-005	374-80-030	NEW	97-20-094	388-14-415	AMD-P	97-09-020
365-60-010	PREP-XR	97-20-037	374-80-040	NEW-P	97-15-111	388-14-415	AMD	97-13-092
365-60-020	PREP-XR	97-20-037	374-80-040	NEW	97-20-094	388-14-420	AMD-P	97-09-020
365-90-010	REP-P	97-15-107	374-80-050	NEW-P	97-15-111	388-14-420	AMD	97-13-092
365-90-010	REP	97-21-006	374-80-050	NEW	97-20-094	388-14-425	REP-P	97-09-020
365-90-020	REP-P	97-15-107	374-80-060	NEW-P	97-15-111	388-14-425	REP	97-13-092
365-90-020	REP	97-21-006	374-80-060	NEW	97-20-094	388-14-430	REP-P	97-09-020
365-90-040	REP-P	97-15-107	380-10-010	PREP-XR	97-21-001	388-14-430	REP	97-13-092
365-90-040	REP	97-21-006	388-11	PREP	97-09-109	388-14-435	AMD-P	97-09-020
365-90-080	REP-P	97-15-107	388-11-032	PREP	97-09-111	388-14-435	AMD	97-13-092
365-90-080	REP	97-21-006	388-11-045	PREP	97-09-111	388-14-440	AMD-P	97-09-020
365-90-090	REP-P	97-15-107	388-11-048	PREP	97-09-111	388-14-440	AMD	97-13-092
365-90-090	REP	97-21-006	388-11-285	AMD-P	97-09-019	388-14-445	AMD-P	97-09-020

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-14-445	AMD	97-13-092	388-49-364	NEW-P	97-05-053	388-76	PREP	97-12-04
388-14-450	AMD-P	97-09-020	388-49-364	NEW	97-09-012	388-76	AMD-C	97-21-107
388-14-450	AMD	97-13-092	388-49-366	NEW-E	97-05-052	388-76-010	REP-P	97-18-087
388-14-460	AMD-P	97-09-020	388-49-366	NEW-P	97-05-053	388-76-020	REP-P	97-18-087
388-14-460	AMD	97-13-092	388-49-366	NEW	97-09-012	388-76-030	REP-P	97-18-087
388-14-495	NEW-P	97-09-020	388-49-368	NEW-E	97-05-052	388-76-040	REP-P	97-18-087
388-14-495	NEW	97-13-092	388-49-368	NEW-P	97-05-053	388-76-045	REP-P	97-18-087
388-14-496	NEW-P	97-09-020	388-49-368	NEW	97-09-012	388-76-050	REP-P	97-18-087
388-14-496	NEW	97-13-092	388-49-369	NEW-E	97-05-052	388-76-060	REP-P	97-18-087
388-14-500	NEW-P	97-09-020	388-49-369	NEW-P	97-05-053	388-76-070	REP-P	97-18-087
388-14-500	NEW	97-13-092	388-49-369	NEW	97-09-012	388-76-080	REP-P	97-18-087
388-15	PREP	97-20-121	388-49-380	AMD-E	97-05-052	388-76-085	REP-P	97-18-087
388-15-010	PREP	97-15-131	388-49-380	AMD-P	97-05-053	388-76-090	REP-P	97-18-087
388-15-010	REP-P	97-19-102	388-49-380	AMD	97-09-012	388-76-095	REP-P	97-18-087
388-15-020	PREP	97-15-131	388-49-380	AMD-E	97-17-020	388-76-100	REP-P	97-18-087
388-15-020	REP-P	97-19-102	388-49-380	AMD-P	97-17-021	388-76-110	REP-P	97-18-087
388-15-110	PREP	97-15-131	388-49-385	NEW-E	97-05-052	388-76-130	REP-P	97-18-087
388-15-110	REP-P	97-19-102	388-49-385	NEW-P	97-05-053	388-76-140	REP-P	97-18-087
388-15-120	AMD-P	97-11-083	388-49-385	NEW	97-09-012	388-76-155	REP-P	97-18-087
388-15-120	AMD	97-21-108	388-49-385	AMD-E	97-17-020	388-76-160	REP-P	97-18-087
388-15-134	AMD-P	97-09-106	388-49-385	AMD-P	97-17-021	388-76-170	REP-P	97-18-087
388-15-134	AMD	97-13-002	388-49-470	AMD	97-05-002	388-76-180	REP-P	97-18-087
388-15-190	PREP-X	97-14-071	388-49-505	AMD-P	97-15-086	388-76-185	REP-P	97-18-087
388-15-190	REP	97-18-052	388-49-505	AMD	97-18-086	388-76-190	REP-P	97-18-087
388-15-192	PREP-X	97-14-071	388-49-510	AMD-E	97-20-015	388-76-200	REP-P	97-18-087
388-15-192	REP	97-18-052	388-49-550	AMD-E	97-20-113	388-76-220	REP-P	97-18-087
388-15-196	PREP	97-08-072	388-49-560	REP-E	97-20-113	388-76-240	REP-P	97-18-087
388-15-196	AMD-P	97-13-090	388-49-570	REP-E	97-20-113	388-76-250	REP-P	97-18-087
388-15-196	AMD	97-16-106	388-49-580	REP-E	97-20-113	388-76-260	REP-P	97-18-087
388-15-202	PREP	97-14-072	388-49-640	AMD	97-04-024	388-76-280	REP-P	97-18-087
388-15-202	AMD-P	97-17-091	388-49-670	AMD	97-04-023	388-76-290	REP-P	97-18-087
388-15-202	AMD	97-20-066	388-50-010	NEW-P	97-17-098	388-76-300	REP-P	97-18-087
388-15-340	REP-P	97-19-102	388-52-150	PREP	97-15-131	388-76-310	REP-P	97-18-087
388-15-500	PREP	97-15-131	388-52-150	REP-P	97-19-102	388-76-320	REP-P	97-18-087
388-15-500	REP-P	97-19-102	388-52-155	PREP	97-15-131	388-76-325	REP-P	97-18-087
388-15-550	PREP	97-15-131	388-52-155	REP-P	97-19-102	388-76-330	REP-P	97-18-087
388-15-550	REP-P	97-19-102	388-52-160	PREP	97-15-131	388-76-340	REP-P	97-18-087
388-15-580	PREP	97-15-131	388-52-160	REP-P	97-19-102	388-76-350	REP-P	97-18-087
388-15-580	REP-P	97-19-102	388-52-163	PREP	97-15-131	388-76-360	REP-P	97-18-087
388-21-005	PREP	97-15-131	388-52-163	REP-P	97-19-102	388-76-370	REP-P	97-18-087
388-21-005	REP-P	97-19-102	388-52-166	PREP	97-15-131	388-76-380	REP-P	97-18-087
388-43-100	REP-P	97-19-102	388-52-166	REP-P	97-19-102	388-76-390	REP-P	97-18-087
388-43-120	REP-P	97-19-102	388-52-169	PREP	97-15-131	388-76-400	REP-P	97-18-087
388-45-010	NEW-E	97-18-051	388-52-169	REP-P	97-19-102	388-76-405	REP-P	97-18-087
388-45-010	NEW	97-20-124	388-52-172	PREP	97-15-131	388-76-410	REP-P	97-18-087
388-46-110	AMD-P	97-05-070	388-52-172	REP-P	97-19-102	388-76-420	REP-P	97-18-087
388-46-110	AMD	97-10-038	388-55-030	AMD-E	97-16-056	388-76-430	REP-P	97-18-087
388-46-120	NEW-P	97-05-070	388-55-030	AMD-P	97-17-039	388-76-435	REP-P	97-18-087
388-46-120	NEW	97-10-038	388-55-030	AMD	97-20-128	388-76-440	REP-P	97-18-087
388-49-020	AMD	97-06-096	388-61-001	NEW-P	97-17-089	388-76-450	REP-P	97-18-087
388-49-020	AMD-P	97-13-089	388-61-001	NEW	97-20-124	388-76-460	REP-P	97-18-087
388-49-020	AMD	97-16-046	388-61-010	NEW-P	97-17-089	388-76-465	REP-P	97-18-087
388-49-160	AMD-P	97-06-098	388-61-010	NEW-W	97-20-132	388-76-470	REP-P	97-18-087
388-49-160	AMD	97-09-030	388-61-020	NEW-P	97-17-089	388-76-475	REP-P	97-18-087
388-49-190	AMD-P	97-06-097	388-61-020	NEW-W	97-20-132	388-76-480	REP-P	97-18-087
388-49-190	AMD	97-09-031	388-70-064	REP-P	97-19-102	388-76-490	REP-P	97-18-087
388-49-190	AMD-P	97-13-088	388-70-160	REP-P	97-19-102	388-76-500	REP-P	97-18-087
388-49-190	AMD	97-16-045	388-73-400	REP-P	97-19-102	388-76-520	REP-P	97-18-087
388-49-310	AMD	97-06-074	388-73-402	REP-P	97-19-102	388-76-530	REP-P	97-18-087
388-49-310	AMD-P	97-09-107	388-73-403	REP-P	97-19-102	388-76-540	AMD-P	97-18-087
388-49-310	AMD	97-12-025	388-73-404	REP-P	97-19-102	388-76-550	AMD-P	97-18-087
388-49-310	AMD-E	97-18-057	388-73-406	REP-P	97-19-102	388-76-560	AMD-P	97-18-087
388-49-310	AMD-P	97-18-058	388-73-408	REP-P	97-19-102	388-76-561	NEW-P	97-20-114
388-49-355	NEW	97-03-035	388-73-409	REP-P	97-19-102	388-76-570	AMD-P	97-18-087
388-49-360	AMD-E	97-05-052	388-73-410	REP-P	97-19-102	388-76-590	AMD-P	97-18-087
388-49-360	AMD-P	97-05-053	388-73-412	REP-P	97-19-102	388-76-590	AMD-P	97-20-114
388-49-360	AMD	97-09-012	388-73-414	REP-P	97-19-102	388-76-595	AMD-P	97-18-087
388-49-360	AMD-E	97-17-020	388-73-430	REP-P	97-19-102	388-76-600	AMD-P	97-20-114
388-49-360	AMD-P	97-17-021	388-73-432	REP-P	97-19-102	388-76-605	AMD-P	97-18-087
388-49-362	NEW-E	97-05-052	388-73-434	REP-P	97-19-102	388-76-610	AMD-P	97-18-087
388-49-362	NEW-P	97-05-053	388-73-436	REP-P	97-19-102	388-76-610	AMD-P	97-20-114
388-49-362	NEW	97-09-012	388-73-438	REP-P	97-19-102	388-76-615	AMD-P	97-20-114
388-49-364	NEW-E	97-05-052	388-73-440	REP-P	97-19-102	388-76-620	AMD-P	97-18-087

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-76-635	AMD-P	97-18-087	388-96-553	AMD-P	97-12-082	388-155-290	PREP	97-14-073
388-76-640	AMD-P	97-18-087	388-96-553	AMD	97-17-040	388-155-295	PREP	97-14-073
388-76-655	AMD-P	97-18-087	388-96-554	PREP	97-06-072	388-155-310	PREP	97-14-073
388-76-660	AMD-P	97-18-087	388-96-554	AMD-P	97-12-082	388-155-320	PREP	97-14-073
388-76-665	AMD-P	97-18-087	388-96-554	AMD	97-17-040	388-155-330	PREP	97-14-073
388-76-670	AMD-P	97-18-087	388-96-559	PREP	97-06-072	388-155-340	PREP	97-14-073
388-76-675	AMD-P	97-18-087	388-96-559	AMD-P	97-12-082	388-155-350	PREP	97-14-073
388-76-680	AMD-P	97-18-087	388-96-559	AMD	97-17-040	388-155-360	PREP	97-14-073
388-76-685	AMD-P	97-18-087	388-96-565	PREP	97-06-072	388-155-370	PREP	97-14-073
388-76-690	AMD-P	97-18-087	388-96-565	AMD-P	97-12-082	388-155-380	PREP	97-14-073
388-76-695	AMD-P	97-18-087	388-96-565	AMD	97-17-040	388-155-390	PREP	97-14-073
388-76-705	AMD-P	97-18-087	388-96-585	PREP	97-06-072	388-155-400	PREP	97-14-073
388-76-765	AMD-P	97-18-087	388-96-585	AMD-P	97-12-082	388-155-410	PREP	97-14-073
388-76-9970	NEW-P	97-15-132	388-96-585	AMD	97-17-040	388-155-420	PREP	97-14-073
388-76-9970	NEW	97-15-089	388-96-709	PREP	97-06-072	388-155-430	PREP	97-14-073
388-76-9972	NEW-P	97-15-132	388-96-709	AMD-P	97-12-082	388-155-440	PREP	97-14-073
388-76-9972	NEW	97-15-089	388-96-709	AMD	97-17-040	388-155-450	PREP	97-14-073
388-76-9974	NEW-P	97-15-132	388-96-719	AMD-P	97-12-082	388-155-460	PREP	97-14-073
388-76-9974	NEW	97-15-089	388-96-719	AMD	97-17-040	388-155-470	PREP	97-14-073
388-76-9976	NEW-P	97-15-132	388-96-735	AMD-P	97-12-082	388-155-480	PREP	97-14-073
388-76-9976	NEW	97-15-089	388-96-735	AMD	97-17-040	388-155-490	PREP	97-14-073
388-76-9978	NEW-P	97-15-132	388-96-745	PREP	97-06-072	388-155-500	PREP	97-14-073
388-76-9978	NEW	97-15-089	388-96-745	AMD-P	97-12-082	388-155-600	PREP	97-14-073
388-76-9980	NEW-P	97-15-132	388-96-745	AMD	97-17-040	388-155-605	PREP	97-14-073
388-76-9980	NEW	97-15-089	388-96-754	AMD-P	97-12-082	388-155-610	PREP	97-14-073
388-78-005	PREP	97-15-131	388-96-754	AMD	97-17-040	388-155-620	PREP	97-14-073
388-78-005	REP-P	97-19-102	388-96-774	AMD-P	97-12-082	388-155-630	PREP	97-14-073
388-78-010	PREP	97-15-131	388-96-774	AMD	97-17-040	388-155-640	PREP	97-14-073
388-78-010	REP-P	97-19-102	388-96-776	PREP	97-06-072	388-155-650	PREP	97-14-073
388-78-015	PREP	97-15-131	388-96-776	AMD-P	97-12-082	388-155-660	PREP	97-14-073
388-78-015	REP-P	97-19-102	388-96-776	AMD	97-17-040	388-155-670	PREP	97-14-073
388-78-020	PREP	97-15-131	388-97-027	PREP	97-06-131	388-155-680	PREP	97-14-073
388-78-020	REP-P	97-19-102	388-97-235	PREP	97-20-121	388-165-005	REP-P	97-19-102
388-78-100	PREP	97-15-131	388-110-110	PREP	97-11-043	388-165-010	REP-P	97-19-102
388-78-100	REP-P	97-19-102	388-110-110	AMD-P	97-15-134	388-165-020	REP-P	97-19-102
388-78-120	PREP	97-15-131	388-110-110	AMD	97-19-020	388-165-030	REP-P	97-19-102
388-78-120	REP-P	97-19-102	388-155-005	PREP	97-14-073	388-165-040	REP-P	97-19-102
388-78-205	PREP	97-15-131	388-155-010	PREP	97-14-073	388-165-050	REP-P	97-19-102
388-78-205	REP-P	97-19-102	388-155-020	PREP	97-14-073	388-165-060	REP-P	97-19-102
388-78-210	PREP	97-15-131	388-155-040	PREP	97-14-073	388-165-070	REP-P	97-19-102
388-78-210	REP-P	97-19-102	388-155-050	PREP	97-14-073	388-165-080	REP-P	97-19-102
388-78-215	PREP	97-15-131	388-155-060	PREP	97-14-073	388-165-090	REP-P	97-19-102
388-78-215	REP-P	97-19-102	388-155-070	PREP	97-14-073	388-165-100	REP-P	97-19-102
388-78-220	PREP	97-15-131	388-155-080	PREP	97-14-073	388-200-1400	NEW-E	97-03-046
388-78-220	REP-P	97-19-102	388-155-085	PREP	97-14-073	388-200-1400	NEW-P	97-03-053
388-86-050	REP-P	97-19-102	388-155-090	PREP	97-14-073	388-200-1400	NEW	97-07-008
388-86-051	REP-P	97-19-102	388-155-092	PREP	97-14-073	388-201-100	REP-P	97-15-031
388-86-075	REP-P	97-19-102	388-155-093	PREP	97-14-073	388-201-100	REP-E	97-15-043
388-86-090	REP-P	97-19-102	388-155-094	PREP	97-14-073	388-201-100	PREP	97-15-131
388-86-090	REP-W	97-21-081	388-155-095	PREP	97-14-073	388-201-100	REP	97-20-056
388-86-112	REP-P	97-19-102	388-155-096	PREP	97-14-073	388-201-200	REP-P	97-15-031
388-87-013	REP-P	97-19-102	388-155-097	PREP	97-14-073	388-201-200	REP-E	97-15-043
388-87-020	AMD	97-04-005	388-155-098	PREP	97-14-073	388-201-200	PREP	97-15-131
388-87-030	REP-P	97-19-102	388-155-100	PREP	97-14-073	388-201-200	REP	97-20-056
388-87-032	REP-P	97-19-102	388-155-110	PREP	97-14-073	388-201-300	REP-P	97-15-031
388-87-070	REP-P	97-19-102	388-155-120	PREP	97-14-073	388-201-300	REP-E	97-15-043
388-87-072	REP-P	97-19-102	388-155-130	PREP	97-14-073	388-201-300	PREP	97-15-131
388-87-115	REP-P	97-19-102	388-155-140	PREP	97-14-073	388-201-300	REP	97-20-056
388-96-010	PREP	97-06-072	388-155-150	PREP	97-14-073	388-201-400	REP-P	97-15-031
388-96-010	AMD-P	97-12-082	388-155-160	PREP	97-14-073	388-201-400	REP-E	97-15-043
388-96-010	AMD	97-17-040	388-155-165	PREP	97-14-073	388-201-400	PREP	97-15-131
388-96-220	PREP	97-06-072	388-155-170	PREP	97-14-073	388-201-400	REP	97-20-056
388-96-221	PREP	97-06-072	388-155-180	PREP	97-14-073	388-201-410	REP-P	97-15-031
388-96-224	PREP	97-06-072	388-155-190	PREP	97-14-073	388-201-410	REP-E	97-15-043
388-96-224	AMD-P	97-12-082	388-155-200	PREP	97-14-073	388-201-410	PREP	97-15-131
388-96-224	AMD	97-17-040	388-155-210	PREP	97-14-073	388-201-410	REP	97-20-056
388-96-505	PREP	97-06-072	388-155-220	PREP	97-14-073	388-201-420	REP-P	97-15-031
388-96-505	AMD-P	97-12-082	388-155-230	PREP	97-14-073	388-201-420	REP-E	97-15-043
388-96-505	AMD	97-17-040	388-155-240	PREP	97-14-073	388-201-420	PREP	97-15-131
388-96-534	PREP	97-06-072	388-155-250	PREP	97-14-073	388-201-420	REP	97-20-056
388-96-534	AMD-P	97-12-082	388-155-260	PREP	97-14-073	388-201-430	REP-P	97-15-031
388-96-534	AMD	97-17-040	388-155-270	PREP	97-14-073	388-201-430	REP-E	97-15-043
388-96-553	PREP	97-06-072	388-155-280	PREP	97-14-073	388-201-430	PREP	97-15-131

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-201-430	REP	97-20-056	388-215-1670	NEW	97-20-124	388-218-1530	AMD-P	97-03-051
388-201-440	REP-P	97-15-031	388-216-2450	PREP	97-11-077	388-218-1530	AMD	97-06-078
388-201-440	REP-E	97-15-043	388-216-2450	AMD-P	97-15-089	388-218-1630	PREP	97-11-079
388-201-440	PREP	97-15-131	388-216-2450	AMD-E	97-15-090	388-218-1630	AMD-E	97-15-087
388-201-440	REP	97-20-056	388-216-2450	AMD	97-19-008	388-218-1630	AMD-P	97-15-088
388-201-450	REP-P	97-15-031	388-216-2500	AMD-E	97-03-048	388-218-1630	AMD	97-18-073
388-201-450	REP-E	97-15-043	388-216-2500	AMD-P	97-03-050	388-218-1700	REP-E	97-15-137
388-201-450	PREP	97-15-131	388-216-2500	AMD	97-06-075	388-218-1710	PREP	97-11-079
388-201-450	REP	97-20-056	388-216-2500	PREP	97-11-077	388-218-1710	AMD-E	97-15-087
388-201-460	REP-P	97-15-031	388-216-2500	AMD-P	97-15-089	388-218-1710	AMD-P	97-15-088
388-201-460	REP-E	97-15-043	388-216-2500	AMD-E	97-15-090	388-218-1710	AMD	97-18-073
388-201-460	PREP	97-15-131	388-216-2500	AMD	97-19-008	388-218-1720	AMD-E	97-15-087
388-201-460	REP	97-20-056	388-216-2650	PREP	97-11-077	388-218-1720	AMD-P	97-15-088
388-201-470	REP-P	97-15-031	388-216-2650	AMD-P	97-15-089	388-218-1720	AMD	97-18-073
388-201-470	REP-E	97-15-043	388-216-2650	AMD-E	97-15-090	388-218-1730	PREP	97-11-079
388-201-470	PREP	97-15-131	388-216-2650	AMD	97-19-008	388-218-1730	REP-E	97-15-087
388-201-470	REP	97-20-056	388-216-2800	PREP	97-11-077	388-218-1730	REP-P	97-15-088
388-201-480	REP-P	97-15-031	388-216-2800	AMD-P	97-15-089	388-218-1730	REP	97-18-073
388-201-480	REP-E	97-15-043	388-216-2800	AMD-E	97-15-090	388-218-1735	NEW-P	97-17-101
388-201-480	PREP	97-15-131	388-216-2800	AMD	97-19-008	388-218-1735	NEW	97-20-124
388-201-480	REP	97-20-056	388-216-2900	AMD-E	97-03-047	388-218-1740	PREP	97-11-079
388-215-0020	NEW-P	97-17-087	388-216-2900	AMD-P	97-03-051	388-218-1740	AMD-E	97-15-087
388-215-0020	NEW-W	97-20-132	388-216-2900	AMD	97-06-078	388-218-1740	AMD-P	97-15-088
388-215-1000	AMD-E	97-04-050	388-216-3000	NEW-P	97-17-090	388-218-1740	AMD	97-18-073
388-215-1000	AMD-P	97-04-051	388-216-3000	NEW	97-20-124	388-218-1800	AMD-E	97-15-137
388-215-1000	AMD	97-07-024	388-218-1210	PREP	97-11-079	388-218-1820	AMD-E	97-03-047
388-215-1000	AMD-P	97-17-087	388-218-1210	AMD-E	97-15-087	388-218-1820	AMD-P	97-03-051
388-215-1000	AMD	97-20-128	388-218-1210	AMD-P	97-15-088	388-218-1820	AMD	97-06-078
388-215-1010	NEW-P	97-15-031	388-218-1210	AMD	97-18-073	388-218-1940	AMD-E	97-15-137
388-215-1010	NEW-E	97-15-043	388-218-1230	AMD-E	97-15-087	388-220-0001	NEW-P	97-17-088
388-215-1010	NEW	97-20-056	388-218-1230	AMD-P	97-15-088	388-220-0001	NEW	97-20-124
388-215-1115	NEW-P	97-05-068	388-218-1230	AMD	97-18-073	388-220-0010	NEW-P	97-17-088
388-215-1115	NEW	97-08-032	388-218-1300	PREP	97-11-079	388-220-0010	NEW-W	97-20-132
388-215-1115	NEW	97-10-041	388-218-1300	AMD-E	97-15-087	388-220-0020	NEW-P	97-17-088
388-215-1200	AMD-P	97-17-087	388-218-1300	AMD-P	97-15-088	388-220-0020	NEW-W	97-20-132
388-215-1200	REP	97-20-125	388-218-1300	AMD	97-18-073	388-220-0030	NEW-P	97-17-088
388-215-1210	NEW-E	97-16-055	388-218-1350	PREP	97-11-079	388-220-0030	NEW	97-20-124
388-215-1210	NEW-P	97-17-100	388-218-1350	AMD-E	97-15-087	388-220-0040	NEW-P	97-17-088
388-215-1210	NEW-W	97-21-152	388-218-1350	AMD-P	97-15-088	388-220-0040	NEW-W	97-20-132
388-215-1375	AMD-P	97-09-108	388-218-1350	AMD	97-18-073	388-220-0050	NEW-S	97-21-106
388-215-1375	AMD	97-14-082	388-218-1410	PREP	97-11-079	388-222-001	NEW-P	97-17-103
388-215-1400	AMD-P	97-05-071	388-218-1410	AMD-E	97-15-087	388-222-001	NEW	97-20-124
388-215-1400	AMD	97-08-033	388-218-1410	AMD-P	97-15-088	388-222-010	NEW-P	97-17-103
388-215-1400	AMD	97-10-042	388-218-1410	AMD	97-18-073	388-222-010	NEW	97-20-124
388-215-1550	NEW-E	97-03-049	388-218-1420	PREP	97-11-079	388-222-020	NEW-P	97-17-103
388-215-1550	NEW-P	97-03-052	388-218-1420	REP-E	97-15-087	388-222-020	NEW	97-20-124
388-215-1550	NEW	97-06-077	388-218-1420	REP-P	97-15-088	388-222-030	NEW-P	97-17-103
388-215-1570	NEW-P	97-05-069	388-218-1420	REP	97-18-073	388-222-030	NEW-W	97-20-132
388-215-1570	NEW	97-08-034	388-218-1430	PREP	97-11-079	388-222-040	NEW-P	97-17-103
388-215-1570	NEW	97-10-040	388-218-1430	AMD-E	97-15-087	388-222-040	NEW-W	97-20-132
388-215-1570	AMD-P	97-15-032	388-218-1430	AMD-P	97-15-088	388-222-050	NEW-P	97-17-103
388-215-1570	AMD-E	97-15-044	388-218-1430	AMD	97-18-073	388-222-050	NEW-W	97-20-132
388-215-1570	AMD	97-18-074	388-218-1440	PREP	97-11-079	388-222-060	NEW-P	97-17-103
388-215-1620	AMD-E	97-16-052	388-218-1440	AMD-E	97-15-087	388-222-060	NEW-W	97-20-132
388-215-1620	AMD-P	97-17-069	388-218-1440	AMD-P	97-15-088	388-230	PREP	97-13-085
388-215-1620	AMD	97-20-128	388-218-1440	AMD	97-18-073	388-230-0010	AMD-E	97-14-107
388-215-1630	NEW-P	97-17-068	388-218-1450	PREP	97-11-079	388-230-0010	AMD-P	97-17-102
388-215-1630	NEW	97-20-124	388-218-1450	REP-E	97-15-087	388-230-0010	AMD	97-20-128
388-215-1650	AMD-E	97-03-054	388-218-1450	REP-P	97-15-088	388-230-0040	AMD-E	97-14-107
388-215-1650	AMD-P	97-03-055	388-218-1450	REP	97-18-073	388-230-0040	AMD-P	97-17-102
388-215-1650	AMD	97-06-076	388-218-1460	PREP	97-11-079	388-230-0040	REP	97-20-125
388-215-1650	AMD-E	97-16-052	388-218-1460	REP-E	97-15-087	388-230-0060	AMD-E	97-14-107
388-215-1650	AMD-P	97-17-069	388-218-1460	REP-P	97-15-088	388-230-0060	AMD-P	97-17-102
388-215-1650	AMD	97-20-128	388-218-1460	REP	97-18-073	388-230-0060	AMD	97-20-128
388-215-1660	NEW-P	97-05-072	388-218-1470	PREP	97-11-079	388-230-0090	AMD-E	97-14-107
388-215-1660	NEW-E	97-06-026	388-218-1470	AMD-E	97-15-087	388-230-0090	AMD-P	97-17-102
388-215-1660	NEW-S	97-06-073	388-218-1470	AMD-P	97-15-088	388-230-0090	AMD-W	97-20-132
388-215-1660	NEW	97-09-029	388-218-1470	AMD	97-18-073	388-230-0110	AMD-E	97-14-107
388-215-1660	AMD-E	97-16-052	388-218-1480	PREP	97-11-079	388-230-0110	AMD-P	97-17-102
388-215-1660	AMD-P	97-17-069	388-218-1480	REP-E	97-15-087	388-230-0110	AMD-W	97-20-132
388-215-1660	AMD	97-20-128	388-218-1480	REP-P	97-15-088	388-230-0120	AMD-E	97-14-107
388-215-1670	NEW-E	97-16-052	388-218-1480	REP	97-18-073	388-230-0120	AMD-P	97-17-102
388-215-1670	NEW-P	97-17-069	388-218-1530	AMD-E	97-03-047	388-230-0120	AMD-W	97-20-132

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-230-0140	AMD-E	97-14-107	388-290-135	REP-P	97-17-104	388-300-2800	REP-P	97-16-054
388-230-0140	AMD-P	97-17-102	388-290-135	REP	97-20-130	388-300-2800	REP	97-20-126
388-230-0140	AMD-W	97-20-132	388-290-140	REP-P	97-17-104	388-300-2900	REP-P	97-16-054
388-233	PREP	97-13-083	388-290-140	REP	97-20-130	388-300-2900	REP	97-20-126
388-235	PREP	97-14-081	388-290-155	REP-P	97-17-104	388-300-3000	REP-P	97-16-054
388-235-2000	AMD-P	97-17-090	388-290-155	REP	97-20-130	388-300-3000	REP	97-20-126
388-235-2000	AMD	97-20-128	388-290-160	REP-P	97-17-104	388-300-3100	REP-P	97-16-054
388-245-1150	AMD-E	97-14-109	388-290-160	REP	97-20-130	388-300-3100	REP	97-20-126
388-245-1510	AMD-E	97-15-011	388-290-170	REP-P	97-17-104	388-300-3200	REP-P	97-16-054
388-250-1225	NEW-P	97-17-099	388-290-170	REP	97-20-130	388-300-3200	REP	97-20-126
388-250-1225	NEW	97-20-124	388-290-180	REP-P	97-17-104	388-300-3300	REP-P	97-16-054
388-250-1310	NEW-P	97-17-101	388-290-180	REP	97-20-130	388-300-3300	REP	97-20-126
388-250-1310	NEW	97-20-124	388-290-210	REP-P	97-17-104	388-300-3400	REP-P	97-16-054
388-250-1700	AMD-P	97-10-035	388-290-210	REP	97-20-130	388-300-3400	REP	97-20-126
388-250-1700	AMD-E	97-10-036	388-290-250	REP-P	97-17-104	388-300-3500	REP-P	97-16-054
388-250-1700	AMD	97-14-011	388-290-250	REP	97-20-130	388-300-3500	REP	97-20-126
388-265	PREP	97-13-084	388-290-260	REP-P	97-17-104	388-300-3600	REP-P	97-16-054
388-265-1010	AMD-E	97-14-108	388-290-260	REP	97-20-130	388-300-3600	REP	97-20-126
388-265-1010	AMD-P	97-17-097	388-300	PREP	97-14-046	388-300-3700	REP-P	97-16-054
388-265-1010	AMD-W	97-20-132	388-300-0100	REP-P	97-16-054	388-300-3700	REP	97-20-126
388-265-1275	AMD-E	97-14-108	388-300-0100	REP	97-20-126	388-300-3800	REP-P	97-16-054
388-265-1275	AMD-P	97-17-097	388-300-0200	REP-P	97-16-054	388-300-3800	REP	97-20-126
388-265-1275	AMD	97-20-128	388-300-0200	REP	97-20-126	388-300-3900	REP-P	97-16-054
388-265-1350	REP-P	97-05-071	388-300-0300	REP-P	97-16-054	388-300-3900	REP	97-20-126
388-265-1350	REP	97-08-033	388-300-0300	REP	97-20-126	388-310-0100	NEW-P	97-17-070
388-265-1350	REP	97-10-042	388-300-0400	REP-P	97-16-054	388-310-0100	NEW	97-20-129
388-265-1750	PREP	97-06-132	388-300-0400	REP	97-20-126	388-310-0200	NEW-P	97-17-070
388-265-1750	AMD-E	97-06-133	388-300-0500	REP-P	97-16-054	388-310-0200	NEW	97-20-129
388-265-1750	AMD-P	97-10-039	388-300-0500	REP	97-20-126	388-310-0300	NEW-P	97-17-070
388-265-1750	AMD	97-13-091	388-300-0600	REP-P	97-16-054	388-310-0300	NEW	97-20-129
388-290	PREP	97-14-047	388-300-0600	REP	97-20-126	388-310-0400	NEW-P	97-17-070
388-290	AMD-P	97-17-104	388-300-0700	REP-P	97-16-054	388-310-0400	NEW	97-20-129
388-290	AMD	97-20-130	388-300-0700	REP	97-20-126	388-310-0500	NEW-P	97-17-070
388-290-010	AMD-P	97-17-104	388-300-0800	REP-P	97-16-054	388-310-0500	NEW	97-20-129
388-290-010	AMD	97-20-130	388-300-0800	REP	97-20-126	388-310-0600	NEW-P	97-17-070
388-290-020	AMD-P	97-17-104	388-300-0900	REP-P	97-16-054	388-310-0600	NEW	97-20-129
388-290-020	AMD	97-20-130	388-300-0900	REP	97-20-126	388-310-0700	NEW-P	97-17-070
388-290-025	NEW-P	97-17-104	388-300-1000	REP-P	97-16-054	388-310-0700	NEW	97-20-129
388-290-025	NEW	97-20-130	388-300-1000	REP	97-20-126	388-310-0800	NEW-P	97-17-070
388-290-030	NEW-P	97-17-104	388-300-1100	REP-P	97-16-054	388-310-0800	NEW	97-20-129
388-290-030	NEW	97-20-130	388-300-1100	REP	97-20-126	388-310-0900	NEW-P	97-17-070
388-290-035	NEW-P	97-17-104	388-300-1200	REP-P	97-16-054	388-310-0900	NEW	97-20-129
388-290-035	NEW	97-20-130	388-300-1200	REP	97-20-126	388-310-1000	NEW-P	97-17-070
388-290-040	REP-P	97-17-104	388-300-1300	REP-P	97-16-054	388-310-1000	NEW	97-20-129
388-290-040	REP	97-20-130	388-300-1300	REP	97-20-126	388-310-1100	NEW-P	97-17-070
388-290-045	NEW-P	97-17-104	388-300-1400	REP-P	97-16-054	388-310-1100	NEW	97-20-129
388-290-045	NEW-W	97-20-132	388-300-1400	REP	97-20-126	388-310-1200	NEW-P	97-17-070
388-290-050	NEW-P	97-17-104	388-300-1500	REP-P	97-16-054	388-310-1200	NEW	97-20-129
388-290-050	NEW	97-20-130	388-300-1500	REP	97-20-126	388-310-1300	NEW-P	97-17-070
388-290-055	NEW-P	97-17-104	388-300-1600	REP-P	97-16-054	388-310-1300	NEW-W	97-20-132
388-290-055	NEW	97-20-130	388-300-1600	REP	97-20-126	388-310-1400	NEW-P	97-17-070
388-290-060	NEW-P	97-17-104	388-300-1700	REP-P	97-16-054	388-310-1400	NEW	97-20-129
388-290-060	NEW	97-20-130	388-300-1700	REP	97-20-126	388-310-1500	NEW-P	97-17-070
388-290-070	NEW-P	97-17-104	388-300-1800	REP-P	97-16-054	388-310-1500	NEW	97-20-129
388-290-070	NEW	97-20-130	388-300-1800	REP	97-20-126	388-310-1600	NEW-P	97-17-070
388-290-080	NEW-P	97-17-104	388-300-1900	REP-P	97-16-054	388-310-1600	NEW	97-20-129
388-290-080	NEW	97-20-130	388-300-1900	REP	97-20-126	388-310-1700	NEW-P	97-17-070
388-290-090	NEW-P	97-17-104	388-300-2000	REP-P	97-16-054	388-310-1700	NEW	97-20-129
388-290-090	NEW	97-20-130	388-300-2000	REP	97-20-126	388-310-1800	NEW-P	97-17-070
388-290-100	NEW-P	97-17-104	388-300-2100	REP-P	97-16-054	388-310-1800	NEW	97-20-129
388-290-100	NEW-W	97-20-132	388-300-2100	REP	97-20-126	388-310-1900	NEW-P	97-17-070
388-290-105	NEW-P	97-17-104	388-300-2200	REP-P	97-16-054	388-310-1900	NEW	97-20-129
388-290-105	NEW	97-20-130	388-300-2200	REP	97-20-126	388-320-225	AMD-E	97-03-046
388-290-110	REP-P	97-17-104	388-300-2300	REP-P	97-16-054	388-320-225	AMD-P	97-03-053
388-290-110	REP	97-20-130	388-300-2300	REP	97-20-126	388-320-225	AMD	97-07-008
388-290-115	REP-P	97-17-104	388-300-2400	REP-P	97-16-054	388-320-400	PREP	97-15-131
388-290-115	REP	97-20-130	388-300-2400	REP	97-20-126	388-320-400	REP-P	97-19-102
388-290-120	REP-P	97-17-104	388-300-2500	REP-P	97-16-054	388-320-410	PREP	97-15-131
388-290-120	REP	97-20-130	388-300-2500	REP	97-20-126	388-320-410	REP-P	97-19-102
388-290-123	REP-P	97-17-104	388-300-2600	REP-P	97-16-054	388-320-470	PREP	97-15-131
388-290-123	REP	97-20-130	388-300-2600	REP	97-20-126	388-320-470	REP-P	97-19-102
388-290-130	REP-P	97-17-104	388-300-2700	REP-P	97-16-054	388-320-500	PREP	97-15-131
388-290-130	REP	97-20-130	388-300-2700	REP	97-20-126	388-320-500	REP-P	97-19-102

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-330-035	AMD-P	97-09-106	388-550-1050	NEW-P	97-11-008	388-555-1100	NEW-E	97-15-008
388-330-035	AMD	97-13-002	388-550-1100	NEW-P	97-11-008	388-555-1150	NEW-E	97-15-058
388-500-0005	PREP	97-11-075	388-550-1200	NEW-P	97-11-008	388-555-1200	NEW-E	97-15-058
388-500-0005	AMD-E	97-16-053	388-550-1300	NEW-P	97-11-008	388-555-1250	NEW-E	97-15-058
388-501-0135	AMD	97-03-038	388-550-1400	NEW-P	97-11-008	388-555-1300	NEW-E	97-15-058
388-503-0310	AMD	97-03-036	388-550-1500	NEW-P	97-11-008	388-555-1350	NEW-E	97-15-058
388-503-0310	PREP	97-11-075	388-550-1600	NEW-P	97-11-008	388-555-1400	NEW-E	97-15-058
388-503-0310	AMD-E	97-16-053	388-550-1700	NEW-P	97-11-008	388-555-1450	NEW-E	97-15-058
388-505-0510	AMD-P	97-11-082	388-550-1750	NEW-P	97-11-008	390-16-041	AMD-P	97-03-117
388-505-0510	AMD	97-15-025	388-550-1800	NEW-P	97-11-008	390-16-041	AMD	97-06-085
388-505-0520	AMD-E	97-08-074	388-550-1900	NEW-P	97-11-008	390-16-071	AMD-P	97-21-148
388-505-0520	PREP	97-11-075	388-550-2000	NEW-P	97-11-008	390-16-313	AMD-P	97-06-086
388-505-0520	AMD-E	97-16-053	388-550-2100	NEW-P	97-11-008	390-16-313	AMD	97-10-055
388-505-0540	AMD	97-04-005	388-550-2200	NEW-P	97-11-008	390-20-110	AMD-P	97-21-148
388-506-0630	AMD	97-10-022	388-550-2300	NEW-P	97-11-008	390-24-010	AMD-P	97-19-051
388-507-0710	AMD-P	97-07-023	388-550-2400	NEW-P	97-11-008	390-24-020	AMD-P	97-19-051
388-507-0710	AMD	97-09-112	388-550-2500	NEW-P	97-11-008	390-24-300	NEW-P	97-19-051
388-507-0740	PREP	97-10-034	388-550-2600	NEW-P	97-11-008	392-115	PREP	97-18-010
388-507-0740	AMD-E	97-16-053	388-550-2700	NEW-P	97-11-008	392-120-025	AMD-P	97-15-072
388-508-0805	AMD-E	97-08-031	388-550-2750	NEW-P	97-11-008	392-120-025	AMD	97-20-002
388-508-0805	AMD-P	97-13-057	388-550-2800	NEW-P	97-11-008	392-120-027	NEW-P	97-15-072
388-508-0805	AMD	97-16-008	388-550-2900	NEW-P	97-11-008	392-120-027	NEW	97-20-002
388-509-0920	AMD-E	97-08-031	388-550-3000	NEW-P	97-11-008	392-120-028	NEW-P	97-15-072
388-509-0920	AMD-P	97-13-057	388-550-3100	NEW-P	97-11-008	392-120-028	NEW	97-20-002
388-509-0920	AMD	97-16-008	388-550-3150	NEW-P	97-11-008	392-120-030	AMD-P	97-15-072
388-509-0920	AMD-E	97-08-031	388-550-3200	NEW-P	97-11-008	392-120-030	AMD	97-20-002
388-509-0960	AMD-P	97-13-057	388-550-3250	NEW-P	97-11-008	392-120-030	AMD-P	97-15-072
388-509-0960	AMD	97-16-008	388-550-3300	NEW-P	97-11-008	392-120-055	AMD	97-20-002
388-510	PREP	97-11-075	388-550-3350	NEW-P	97-11-008	392-120-055	AMD-P	97-15-072
388-510-1005	NEW-E	97-16-053	388-550-3400	NEW-P	97-11-008	392-120-065	AMD	97-20-002
388-510-1020	AMD-E	97-16-053	388-550-3450	NEW-P	97-11-008	392-120-065	AMD	97-20-002
388-511-1105	AMD	97-03-036	388-550-3500	NEW-P	97-11-008	392-121	PREP	97-09-010
388-511-1130	AMD	97-10-022	388-550-3600	NEW-P	97-11-008	392-121	PREP	97-16-095
388-511-1140	AMD	97-10-022	388-550-3700	NEW-P	97-11-008	392-121	PREP	97-16-096
388-511-1160	AMD	97-03-034	388-550-3800	NEW-P	97-11-008	392-121	PREP	97-17-022
388-511-1160	PREP	97-08-035	388-550-3900	NEW-P	97-11-008	392-121-107	AMD-P	97-15-072
388-513-1315	PREP	97-12-023	388-550-4000	NEW-P	97-11-008	392-121-108	AMD-P	97-15-072
388-513-1320	AMD-P	97-11-082	388-550-4100	NEW-P	97-11-008	392-121-119	NEW-P	97-15-073
388-513-1320	AMD	97-15-025	388-550-4200	NEW-P	97-11-008	392-121-122	AMD-P	97-15-073
388-513-1330	AMD	97-10-022	388-550-4300	NEW-P	97-11-008	392-121-133	AMD-P	97-15-073
388-513-1350	AMD-P	97-07-023	388-550-4400	NEW-P	97-11-008	392-121-136	AMD-P	97-15-073
388-513-1350	AMD	97-09-112	388-550-4500	NEW-P	97-11-008	392-121-137	AMD-P	97-15-073
388-513-1365	AMD	97-05-040	388-550-4600	NEW-P	97-11-008	392-121-182	AMD-P	97-15-073
388-513-1380	AMD-E	97-08-031	388-550-4700	NEW-P	97-11-008	392-121-245	AMD-P	97-19-055
388-513-1380	AMD-W	97-12-062	388-550-4800	NEW-P	97-11-008	392-121-257	AMD-P	97-19-055
388-513-1380	AMD-P	97-13-057	388-550-4900	NEW-P	97-11-008	392-121-259	AMD-P	97-19-055
388-513-1380	AMD	97-16-008	388-550-5000	NEW-P	97-11-008	392-121-262	AMD-P	97-19-055
388-517-1720	AMD-E	97-08-031	388-550-5100	NEW-P	97-11-008	392-121-280	AMD-P	97-19-055
388-517-1720	AMD-P	97-13-057	388-550-5150	NEW-P	97-11-008	392-122	PREP	97-16-097
388-517-1720	AMD	97-16-008	388-550-5200	NEW-P	97-11-008	392-123-047	PREP	97-04-035
388-517-1740	AMD-E	97-08-031	388-550-5250	NEW-P	97-11-008	392-127	PREP	97-17-023
388-517-1740	AMD-P	97-13-057	388-550-5300	NEW-P	97-11-008	392-130-005	REP-P	97-16-001
388-517-1740	AMD	97-16-008	388-550-5350	NEW-P	97-11-008	392-130-005	REP	97-19-075
388-517-1760	AMD-E	97-08-031	388-550-5400	NEW-P	97-11-008	392-130-010	REP-P	97-16-001
388-517-1760	AMD-P	97-13-057	388-550-5500	NEW-P	97-11-008	392-130-010	REP	97-19-075
388-517-1760	AMD	97-16-008	388-550-5500	NEW-P	97-11-008	392-130-015	REP-P	97-16-001
388-522-2205	AMD-E	97-08-030	388-550-5600	NEW-P	97-11-008	392-130-015	REP	97-19-075
388-522-2205	AMD-P	97-12-081	388-550-5700	NEW-P	97-11-008	392-130-020	REP-P	97-16-001
388-522-2205	AMD	97-15-084	388-550-5800	NEW-P	97-11-008	392-130-020	REP	97-19-075
388-523-2305	AMD-E	97-16-053	388-550-5900	NEW-P	97-11-008	392-130-025	REP-P	97-16-001
388-524-2405	AMD-E	97-08-030	388-550-6000	NEW-P	97-11-008	392-130-025	REP	97-19-075
388-524-2405	AMD-P	97-12-081	388-550-6100	NEW-P	97-11-008	392-130-030	REP-P	97-16-001
388-524-2405	AMD	97-15-084	388-550-6150	NEW-P	97-11-008	392-130-030	REP	97-19-075
388-527	PREP	97-20-014	388-550-6200	NEW-P	97-11-008	392-130-035	REP-P	97-16-001
388-528-2810	REP	97-03-037	388-550-6250	NEW-P	97-11-008	392-130-035	REP	97-19-075
388-538-070	PREP	97-11-076	388-550-6300	NEW-P	97-11-008	392-130-040	REP-P	97-16-001
388-538-073	NEW-W	97-10-073	388-550-6350	NEW-P	97-11-008	392-130-040	REP	97-19-075
388-538-074	NEW-W	97-10-073	388-550-6400	NEW-P	97-11-008	392-130-045	REP-P	97-16-001
388-538-110	AMD	97-04-004	388-550-6450	NEW-P	97-11-008	392-130-045	REP	97-19-075
388-540-005	PREP	97-11-081	388-550-6500	NEW-P	97-11-008	392-130-050	REP-P	97-16-001
388-540-030	PREP	97-11-081	388-550-6600	NEW-P	97-11-008	392-130-050	REP	97-19-075
388-540-060	PREP	97-11-081	388-550-6700	NEW-P	97-11-008	392-130-055	REP-P	97-16-001
388-550-1000	NEW-P	97-11-008	388-555-1000	NEW-E	97-15-058	392-130-055	REP	97-19-075
			388-555-1050	NEW-E	97-15-058	392-130-060	REP-P	97-16-001

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
392-130-060	REP	97-19-075	392-137-220	REP	97-19-003	392-160-050	NEW-C	97-14-077
392-130-065	REP-P	97-16-001	392-139	PREP	97-16-098	392-160-060	NEW-C	97-14-077
392-130-065	REP	97-19-075	392-140	PREP	97-15-116	392-160-070	NEW-C	97-14-077
392-130-070	REP-P	97-16-001	392-140	PREP	97-17-024	392-160-080	NEW-C	97-14-077
392-130-070	REP	97-19-075	392-140	PREP	97-17-067	392-160-090	NEW-C	97-14-077
392-130-075	REP-P	97-16-001	392-140	PREP	97-20-079	392-160-091	NEW-C	97-14-077
392-130-075	REP	97-19-075	392-140-700	NEW-E	97-18-036	392-165	AMD-P	97-16-118
392-130-080	REP-P	97-16-001	392-140-701	NEW-E	97-18-036	392-165-105	AMD-P	97-16-118
392-130-080	REP	97-19-075	392-140-702	NEW-E	97-18-036	392-165-118	AMD-P	97-16-118
392-130-085	REP-P	97-16-001	392-140-710	NEW-E	97-18-036	392-165-120	AMD-P	97-16-118
392-130-085	REP	97-19-075	392-140-711	NEW-E	97-18-036	392-165-130	AMD-P	97-16-118
392-130-090	REP-P	97-16-001	392-140-712	NEW-E	97-18-036	392-165-135	AMD-P	97-16-118
392-130-090	REP	97-19-075	392-140-713	NEW-E	97-18-036	392-165-140	AMD-P	97-16-118
392-130-095	REP-P	97-16-001	392-140-714	NEW-E	97-18-036	392-165-142	AMD-P	97-16-118
392-130-095	REP	97-19-075	392-140-715	NEW-E	97-18-036	392-165-170	AMD-P	97-16-118
392-130-100	REP-P	97-16-001	392-140-716	NEW-E	97-18-036	392-165-180	AMD-P	97-16-118
392-130-100	REP	97-19-075	392-140-720	NEW-E	97-18-036	392-165-210	AMD-P	97-16-118
392-130-105	REP-P	97-16-001	392-140-721	NEW-E	97-18-036	392-165-245	AMD-P	97-16-118
392-130-105	REP	97-19-075	392-140-722	NEW-E	97-18-036	392-165-260	AMD-P	97-16-118
392-130-110	REP-P	97-16-001	392-140-723	NEW-E	97-18-036	392-165-302	AMD-P	97-16-118
392-130-110	REP	97-19-075	392-140-724	NEW-E	97-18-036	392-165-304	AMD-P	97-16-118
392-130-115	REP-P	97-16-001	392-140-725	NEW-E	97-18-036	392-165-310	AMD-P	97-16-118
392-130-115	REP	97-19-075	392-140-726	NEW-E	97-18-036	392-165-315	AMD-P	97-16-118
392-130-120	REP-P	97-16-001	392-140-727	NEW-E	97-18-036	392-165-320	AMD-P	97-16-118
392-130-120	REP	97-19-075	392-140-728	NEW-E	97-18-036	392-165-322	AMD-P	97-16-118
392-130-125	REP-P	97-16-001	392-140-730	NEW-E	97-18-036	392-165-325	AMD-P	97-16-118
392-130-125	REP	97-19-075	392-140-731	NEW-E	97-18-036	392-165-330	AMD-P	97-16-118
392-130-130	REP-P	97-16-001	392-140-732	NEW-E	97-18-036	392-165-340	AMD-P	97-16-118
392-130-130	REP	97-19-075	392-140-733	NEW-E	97-18-036	392-165-345	AMD-P	97-16-118
392-130-135	REP-P	97-16-001	392-140-735	NEW-E	97-18-036	392-165-347	AMD-P	97-16-118
392-130-135	REP	97-19-075	392-140-736	NEW-E	97-18-036	392-165-360	AMD-P	97-16-118
392-130-140	REP-P	97-16-001	392-140-740	NEW-E	97-18-036	392-165-362	AMD-P	97-16-118
392-130-140	REP	97-19-075	392-140-741	NEW-E	97-18-036	392-165-365	AMD-P	97-16-118
392-130-145	REP-P	97-16-001	392-140-742	NEW-E	97-18-036	392-165-415	AMD-P	97-16-118
392-130-145	REP	97-19-075	392-140-743	NEW-E	97-18-036	392-165-425	AMD-P	97-16-118
392-130-150	REP-P	97-16-001	392-140-744	NEW-E	97-18-036	392-165-430	AMD-P	97-16-118
392-130-150	REP	97-19-075	392-140-745	NEW-E	97-18-036	392-165-440	AMD-P	97-16-118
392-130-155	REP-P	97-16-001	392-140-746	NEW-E	97-18-036	392-165-450	AMD-P	97-16-118
392-130-155	REP	97-19-075	392-140-747	NEW-E	97-18-036	392-165-455	AMD-P	97-16-118
392-130-160	REP-P	97-16-001	392-140-800	NEW-P	97-20-093	392-165-460	AMD-P	97-16-118
392-130-160	REP	97-19-075	392-140-802	NEW-P	97-20-093	392-165-490	NEW-P	97-16-118
392-130-165	REP-P	97-16-001	392-140-804	NEW-P	97-20-093	392-165-500	AMD-P	97-16-118
392-130-165	REP	97-19-075	392-140-806	NEW-P	97-20-093	392-165-510	AMD-P	97-16-118
392-130-170	REP-P	97-16-001	392-140-808	NEW-P	97-20-093	392-170	PREP	97-21-013
392-130-170	REP	97-19-075	392-140-810	NEW-P	97-20-093	392-182-020	PREP	97-19-065
392-130-175	REP-P	97-16-001	392-140-812	NEW-P	97-20-093	392-320	PREP	97-04-022
392-130-175	REP	97-19-075	392-140-814	NEW-P	97-20-093	399-30-032	NEW-E	97-12-077
392-130-180	REP-P	97-16-001	392-140-816	NEW-P	97-20-093	399-30-033	NEW-E	97-12-077
392-130-180	REP	97-19-075	392-140-818	NEW-P	97-20-093	399-30-034	NEW-E	97-12-077
392-130-185	REP-P	97-16-001	392-140-820	NEW-P	97-20-093	415-108-050	PREP-XR	97-20-028
392-130-185	REP	97-19-075	392-140-822	NEW-P	97-20-093	415-108-060	PREP-XR	97-20-028
392-130-190	REP-P	97-16-001	392-140-824	NEW-P	97-20-093	415-108-180	PREP-XR	97-20-028
392-130-190	REP	97-19-075	392-140-826	NEW-P	97-20-093	415-108-190	PREP-XR	97-20-028
392-130-195	REP-P	97-16-001	392-140-828	NEW-P	97-20-093	415-108-195	RECOD	97-19-035
392-130-195	REP	97-19-075	392-140-830	NEW-P	97-20-093	415-108-195	PREP-XR	97-20-028
392-130-200	REP-P	97-16-001	392-140-832	NEW-P	97-20-093	415-108-200	PREP-XR	97-20-028
392-130-200	REP	97-19-075	392-140-834	NEW-P	97-20-093	415-108-210	PREP-XR	97-20-028
392-130-205	REP-P	97-16-001	392-140-836	NEW-P	97-20-093	415-108-220	PREP-XR	97-20-028
392-130-205	REP	97-19-075	392-142	PREP	97-12-041	415-108-230	PREP-XR	97-20-028
392-132-010	AMD	97-03-044	392-142-155	AMD-P	97-14-055	415-108-240	PREP-XR	97-20-028
392-132-030	AMD	97-03-044	392-142-155	AMD	97-17-042	415-108-250	PREP-XR	97-20-028
392-132-040	AMD	97-03-044	392-160-004	AMD-C	97-14-077	415-108-260	PREP-XR	97-20-028
392-134	PREP	97-09-010	392-160-005	AMD-C	97-14-077	415-108-270	PREP-XR	97-20-028
392-134-005	AMD-P	97-15-074	392-160-010	AMD-C	97-14-077	415-108-280	PREP-XR	97-20-028
392-134-010	AMD-P	97-15-074	392-160-015	AMD-C	97-14-077	415-108-290	PREP-XR	97-20-028
392-134-020	AMD-P	97-15-074	392-160-016	NEW-C	97-14-077	415-108-300	DECOD	97-19-035
392-134-025	AMD-P	97-15-074	392-160-020	AMD-C	97-14-077	415-108-500	DECOD	97-19-035
392-137	PREP	97-09-010	392-160-029	AMD-C	97-14-077	415-108-530	DECOD	97-19-035
392-137-160	AMD-P	97-15-075	392-160-035	AMD-C	97-14-077	415-108-540	DECOD	97-19-035
392-137-160	AMD	97-19-003	392-160-036	NEW-C	97-14-077	415-108-580	DECOD	97-19-035
392-137-195	AMD-P	97-15-075	392-160-037	NEW-C	97-14-077	415-108-730	RECOD	97-19-035
392-137-195	AMD	97-19-003	392-160-040	AMD-C	97-14-077	415-108-810	RECOD	97-19-035
392-137-220	REP-P	97-15-075	392-160-045	REP-C	97-14-077	415-108-820	RECOD	97-19-035

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
415-108-830	RECOD	97-19-035	434-09-060	AMD	97-21-045	434-24-100	REP-P	97-14-106
415-112-010	PREP-XR	97-20-028	434-09-060	DECOD	97-21-045	434-24-100	REP	97-21-045
415-112-0152	PREP-XR	97-20-028	434-09-070	AMD-P	97-14-106	434-24-105	AMD-P	97-14-106
415-112-0160	NEW	97-03-016	434-09-070	DECOD-P	97-14-106	434-24-105	DECOD-P	97-14-106
415-112-030	PREP-XR	97-20-028	434-09-070	AMD	97-21-045	434-24-105	DECOD	97-21-045
415-112-110	PREP-XR	97-20-028	434-09-070	DECOD	97-21-045	434-24-105	AMD-S	97-21-046
415-112-330	AMD-S	97-05-010	434-09-080	AMD-P	97-14-106	434-24-110	AMD-P	97-14-106
415-112-330	AMD	97-09-037	434-09-080	DECOD-P	97-14-106	434-24-110	DECOD-P	97-14-106
415-112-335	NEW-S	97-05-010	434-09-080	AMD	97-21-045	434-24-110	AMD	97-21-045
415-112-335	NEW	97-09-037	434-09-080	DECOD	97-21-045	434-24-110	DECOD	97-21-045
415-112-410	REP	97-03-016	434-09-090	AMD-P	97-14-106	434-24-115	AMD-P	97-14-106
415-112-411	REP	97-03-016	434-09-090	DECOD-P	97-14-106	434-24-115	DECOD-P	97-14-106
415-112-414	REP	97-03-016	434-09-090	AMD	97-21-045	434-24-115	AMD	97-21-045
415-112-420	PREP-XR	97-20-028	434-09-090	DECOD	97-21-045	434-24-115	DECOD	97-21-045
415-112-444	NEW	97-03-016	434-20-010	REP-P	97-14-106	434-24-120	AMD-P	97-14-106
415-112-445	NEW	97-03-016	434-20-010	REP	97-21-045	434-24-120	DECOD-P	97-14-106
415-112-450	NEW	97-03-016	434-20-020	REP-P	97-14-106	434-24-120	AMD-E	97-21-044
415-112-460	NEW	97-03-016	434-20-020	REP	97-21-045	434-24-120	DECOD	97-21-045
415-112-4601	NEW	97-03-016	434-20-030	REP-P	97-14-106	434-24-120	AMD-S	97-21-046
415-112-4603	NEW	97-03-016	434-20-030	REP	97-21-045	434-24-130	AMD-P	97-14-106
415-112-4604	NEW	97-03-016	434-20-040	REP-P	97-14-106	434-24-130	DECOD-P	97-14-106
415-112-4605	NEW	97-03-016	434-20-040	REP	97-21-045	434-24-130	DECOD	97-21-045
415-112-4607	NEW	97-03-016	434-20-050	REP-P	97-14-106	434-24-130	AMD-S	97-21-046
415-112-4608	NEW	97-03-016	434-20-050	REP	97-21-045	434-24-140	AMD-P	97-14-106
415-112-4609	NEW	97-03-016	434-24-010	AMD-P	97-14-106	434-24-140	DECOD-P	97-14-106
415-112-470	NEW	97-03-016	434-24-010	DECOD-P	97-14-106	434-24-140	AMD	97-21-045
415-112-471	NEW	97-03-016	434-24-010	AMD	97-21-045	434-24-140	DECOD	97-21-045
415-112-473	NEW	97-03-016	434-24-010	DECOD	97-21-045	434-24-150	REP-P	97-14-106
415-112-475	NEW	97-03-016	434-24-015	AMD-P	97-14-106	434-24-150	REP	97-21-045
415-112-477	NEW	97-03-016	434-24-015	DECOD-P	97-14-106	434-24-155	REP-P	97-14-106
415-112-480	NEW	97-03-016	434-24-015	AMD	97-21-045	434-24-155	REP	97-21-045
415-112-482	NEW	97-03-016	434-24-015	DECOD	97-21-045	434-24-160	AMD-P	97-14-106
415-112-483	NEW	97-03-016	434-24-020	AMD-P	97-14-106	434-24-160	DECOD-P	97-14-106
415-112-485	NEW	97-03-016	434-24-020	DECOD-P	97-14-106	434-24-160	AMD	97-21-045
415-112-487	NEW	97-03-016	434-24-020	AMD	97-21-045	434-24-160	DECOD	97-21-045
415-112-489	NEW	97-03-016	434-24-020	DECOD	97-21-045	434-24-170	REP-P	97-14-106
415-112-490	NEW	97-03-016	434-24-025	DECOD-P	97-14-106	434-24-170	REP	97-21-045
415-112-491	NEW	97-03-016	434-24-025	DECOD	97-21-045	434-28-012	AMD-P	97-14-106
415-116-010	PREP-XR	97-20-028	434-24-030	DECOD-P	97-14-106	434-28-012	DECOD-P	97-14-106
415-116-020	PREP-XR	97-20-028	434-24-030	DECOD	97-21-045	434-28-012	AMD-W	97-19-013
415-116-030	PREP-XR	97-20-028	434-24-035	AMD-P	97-14-106	434-28-012	DECOD	97-21-045
415-116-040	PREP-XR	97-20-028	434-24-035	DECOD-P	97-14-106	434-28-020	DECOD-P	97-14-106
415-116-050	PREP-XR	97-20-028	434-24-035	DECOD	97-21-045	434-28-020	DECOD	97-21-045
415-200-030	NEW-E	97-08-053	434-24-035	AMD-S	97-21-046	434-28-050	DECOD-P	97-14-106
415-200-030	NEW-P	97-13-058	434-24-040	REP-P	97-14-106	434-28-050	DECOD	97-21-045
415-200-030	NEW	97-16-039	434-24-040	REP	97-21-045	434-28-060	DECOD-P	97-14-106
415-200-040	NEW-E	97-08-053	434-24-050	AMD-P	97-14-106	434-28-060	DECOD	97-21-045
415-200-040	NEW-P	97-13-058	434-24-050	DECOD-P	97-14-106	434-30-010	AMD-P	97-14-106
415-200-040	NEW	97-16-039	434-24-050	DECOD	97-21-045	434-30-010	DECOD-P	97-14-106
415-200-050	NEW-P	97-21-154	434-24-050	AMD-S	97-21-046	434-30-010	AMD-W	97-19-013
415-200-060	NEW-P	97-21-154	434-24-055	REP-P	97-14-106	434-30-010	DECOD	97-21-045
415-200-070	NEW-P	97-21-154	434-24-055	REP	97-21-045	434-30-020	DECOD-P	97-14-106
415-512-090	AMD	97-05-009	434-24-060	AMD-P	97-14-106	434-30-020	DECOD	97-21-045
434-09-010	DECOD-P	97-14-106	434-24-060	DECOD-P	97-14-106	434-30-030	AMD-P	97-14-106
434-09-010	DECOD	97-21-045	434-24-060	DECOD	97-21-045	434-30-030	DECOD-P	97-14-106
434-09-020	AMD-P	97-14-106	434-24-060	AMD-S	97-21-046	434-30-030	DECOD	97-21-045
434-09-020	DECOD-P	97-14-106	434-24-065	NEW-P	97-09-099	434-30-030	AMD-S	97-21-046
434-09-020	AMD	97-21-045	434-24-065	NEW-E	97-12-039	434-30-040	DECOD-P	97-14-106
434-09-020	DECOD	97-21-045	434-24-065	NEW	97-18-014	434-30-040	DECOD	97-21-045
434-09-030	AMD-P	97-14-106	434-24-070	REP-P	97-14-106	434-30-050	DECOD-P	97-14-106
434-09-030	DECOD-P	97-14-106	434-24-070	REP	97-21-045	434-30-050	DECOD	97-21-045
434-09-030	AMD	97-21-045	434-24-080	REP-P	97-14-106	434-30-060	DECOD-P	97-14-106
434-09-030	DECOD	97-21-045	434-24-080	REP	97-21-045	434-30-060	DECOD	97-21-045
434-09-040	AMD-P	97-14-106	434-24-085	AMD-P	97-14-106	434-30-070	DECOD-P	97-14-106
434-09-040	DECOD-P	97-14-106	434-24-085	DECOD-P	97-14-106	434-30-070	DECOD	97-21-045
434-09-040	AMD	97-21-045	434-24-085	DECOD	97-21-045	434-30-080	DECOD-P	97-14-106
434-09-040	DECOD	97-21-045	434-24-085	AMD-S	97-21-046	434-30-080	DECOD	97-21-045
434-09-050	AMD-P	97-14-106	434-24-090	REP-P	97-14-106	434-30-090	DECOD-P	97-14-106
434-09-050	DECOD-P	97-14-106	434-24-090	REP	97-21-045	434-30-090	DECOD	97-21-045
434-09-050	AMD	97-21-045	434-24-095	AMD-P	97-14-106	434-30-100	REP-P	97-14-106
434-09-050	DECOD	97-21-045	434-24-095	DECOD-P	97-14-106	434-30-100	REP	97-21-045
434-09-060	AMD-P	97-14-106	434-24-095	DECOD	97-21-045	434-30-110	REP-P	97-14-106
434-09-060	DECOD-P	97-14-106	434-24-095	AMD-S	97-21-046	434-30-110	REP	97-21-045

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
434-30-120	REP-P	97-14-106	434-34-110	DECOD-P	97-14-106	434-36-200	AMD-P	97-14-106
434-30-120	REP	97-21-045	434-34-110	AMD	97-21-045	434-36-200	DECOD-P	97-14-106
434-30-130	REP-P	97-14-106	434-34-110	DECOD	97-21-045	434-36-200	AMD	97-21-045
434-30-130	REP	97-21-045	434-34-115	DECOD-P	97-14-106	434-36-200	DECOD	97-21-045
434-30-140	REP-P	97-14-106	434-34-115	DECOD	97-21-045	434-36-210	AMD-P	97-14-106
434-30-140	REP	97-21-045	434-36-010	DECOD-P	97-14-106	434-36-210	DECOD-P	97-14-106
434-30-150	REP-P	97-14-106	434-36-010	DECOD	97-21-045	434-36-210	AMD	97-21-045
434-30-150	AMD-S	97-21-046	434-36-020	AMD-P	97-14-106	434-36-210	DECOD	97-21-045
434-30-160	AMD-P	97-14-106	434-36-020	DECOD-P	97-14-106	434-40-005	DECOD-P	97-14-106
434-30-160	DECOD-P	97-14-106	434-36-020	AMD	97-21-045	434-40-005	DECOD	97-21-045
434-30-160	DECOD	97-21-045	434-36-020	DECOD	97-21-045	434-40-010	AMD-P	97-14-106
434-30-160	AMD-S	97-21-046	434-36-030	AMD-P	97-14-106	434-40-010	DECOD-P	97-14-106
434-30-170	AMD-P	97-14-106	434-36-030	DECOD-P	97-14-106	434-40-010	AMD-E	97-21-044
434-30-170	DECOD-P	97-14-106	434-36-030	AMD	97-21-045	434-40-010	AMD	97-21-045
434-30-170	AMD	97-21-045	434-36-030	DECOD	97-21-045	434-40-010	DECOD	97-21-045
434-30-170	DECOD	97-21-045	434-36-040	AMD-P	97-14-106	434-40-020	DECOD-P	97-14-106
434-30-180	AMD-P	97-14-106	434-36-040	DECOD-P	97-14-106	434-40-020	DECOD	97-21-045
434-30-180	DECOD-P	97-14-106	434-36-040	AMD	97-21-045	434-20-025	DECOD-P	97-14-106
434-30-180	AMD	97-21-045	434-36-040	DECOD	97-21-045	434-40-025	DECOD	97-21-045
434-30-180	DECOD	97-21-045	434-36-050	AMD-P	97-14-106	434-40-030	AMD-P	97-14-106
434-30-190	DECOD-P	97-14-106	434-36-050	DECOD-P	97-14-106	434-40-030	DECOD-P	97-14-106
434-30-190	DECOD	97-21-045	434-36-050	AMD	97-21-045	434-40-030	AMD	97-21-045
434-30-200	DECOD-P	97-14-106	434-36-050	DECOD	97-21-045	434-40-030	DECOD	97-21-045
434-30-200	DECOD	97-21-045	434-36-060	AMD-P	97-14-106	434-40-040	DECOD-P	97-14-106
434-30-200	DECOD	97-21-045	434-36-060	DECOD-P	97-14-106	434-40-040	DECOD	97-21-045
434-30-210	AMD-P	97-14-106	434-36-060	AMD	97-21-045	434-40-050	AMD-P	97-14-106
434-30-210	DECOD-P	97-14-106	434-36-060	DECOD	97-21-045	434-40-050	DECOD-P	97-14-106
434-30-210	AMD	97-21-045	434-36-070	AMD-P	97-14-106	434-40-050	AMD	97-21-045
434-30-210	DECOD	97-21-045	434-36-070	DECOD-P	97-14-106	434-40-050	DECOD	97-21-045
434-30-220	REP-P	97-14-106	434-36-070	AMD	97-21-045	434-40-060	AMD-P	97-14-106
434-30-220	REP	97-21-045	434-36-070	DECOD	97-21-045	434-40-060	DECOD-P	97-14-106
434-34-010	DECOD-P	97-14-106	434-36-080	AMD-P	97-14-106	434-40-060	AMD	97-21-045
434-34-010	DECOD	97-21-045	434-36-080	DECOD-P	97-14-106	434-40-060	DECOD	97-21-045
434-34-015	DECOD-P	97-14-106	434-36-080	AMD	97-21-045	434-40-070	REP-P	97-14-106
434-34-015	DECOD	97-21-045	434-36-080	DECOD	97-21-045	434-40-070	REP	97-21-045
434-34-020	DECOD-P	97-14-106	434-36-090	AMD-P	97-14-106	434-40-080	REP-P	97-14-106
434-34-020	DECOD	97-21-045	434-36-090	DECOD-P	97-14-106	434-40-080	REP	97-21-045
434-34-025	DECOD-P	97-14-106	434-36-090	DECOD	97-21-045	434-40-090	DECOD-P	97-14-106
434-34-025	DECOD	97-21-045	434-36-090	AMD-S	97-21-046	434-40-090	DECOD	97-21-045
434-34-030	DECOD-P	97-14-106	434-36-100	AMD-P	97-14-106	434-40-100	DECOD-P	97-14-106
434-34-030	DECOD	97-21-045	434-36-100	DECOD-P	97-14-106	434-40-100	DECOD	97-21-045
434-34-035	DECOD-P	97-14-106	434-36-100	AMD	97-21-045	434-40-110	DECOD-P	97-14-106
434-34-035	DECOD	97-21-045	434-36-100	DECOD	97-21-045	434-40-110	DECOD	97-21-045
434-34-040	DECOD-P	97-14-106	434-36-110	AMD-P	97-14-106	434-40-120	DECOD-P	97-14-106
434-34-040	DECOD	97-21-045	434-36-110	DECOD-P	97-14-106	434-40-120	DECOD	97-21-045
434-34-045	DECOD-P	97-14-106	434-36-110	AMD	97-21-045	434-40-130	AMD-P	97-14-106
434-34-045	DECOD	97-21-045	434-36-110	DECOD	97-21-045	434-40-130	DECOD-P	97-14-106
434-34-050	DECOD-P	97-14-106	434-36-120	AMD-E	97-13-003	434-40-130	AMD	97-21-045
434-34-050	DECOD	97-21-045	434-36-120	AMD-P	97-14-106	434-40-130	DECOD	97-21-045
434-34-055	DECOD-P	97-14-106	434-36-120	DECOD-P	97-14-106	434-40-140	REP-P	97-14-106
434-34-055	DECOD	97-21-045	434-36-120	AMD	97-21-045	434-40-140	REP	97-21-045
434-34-060	DECOD-P	97-14-106	434-36-120	DECOD	97-21-045	434-40-150	DECOD-P	97-14-106
434-34-060	DECOD	97-21-045	434-36-130	REP-P	97-14-106	434-40-150	DECOD	97-21-045
434-34-065	DECOD-P	97-14-106	434-36-130	REP	97-21-045	434-40-160	AMD-P	97-14-106
434-34-065	DECOD	97-21-045	434-36-140	AMD-P	97-14-106	434-40-160	DECOD-P	97-14-106
434-34-070	DECOD-P	97-14-106	434-36-140	DECOD-P	97-14-106	434-40-160	AMD	97-21-045
434-34-070	DECOD	97-21-045	434-36-140	AMD	97-21-045	434-40-160	DECOD	97-21-045
434-34-075	DECOD-P	97-14-106	434-36-140	DECOD	97-21-045	434-40-170	REP-P	97-14-106
434-34-075	DECOD	97-21-045	434-36-150	REP-P	97-14-106	434-40-170	REP	97-21-045
434-34-080	DECOD-P	97-14-106	434-36-150	REP	97-21-045	434-40-180	DECOD-P	97-14-106
434-34-080	DECOD	97-21-045	434-36-160	DECOD-P	97-14-106	434-40-180	DECOD	97-21-045
434-34-085	DECOD-P	97-14-106	434-36-160	DECOD	97-21-045	434-40-190	AMD-P	97-14-106
434-34-085	DECOD	97-21-045	434-36-170	AMD-P	97-14-106	434-40-190	DECOD-P	97-14-106
434-34-090	AMD-P	97-14-106	434-36-170	DECOD-P	97-14-106	434-40-190	AMD-E	97-21-044
434-34-090	DECOD-P	97-14-106	434-36-170	DECOD	97-21-045	434-40-190	DECOD	97-21-045
434-34-090	AMD	97-21-045	434-36-170	AMD-S	97-21-046	434-40-190	AMD-S	97-21-046
434-34-090	DECOD	97-21-045	434-36-180	AMD-E	97-13-003	434-40-200	AMD-P	97-14-106
434-34-095	DECOD-P	97-14-106	434-36-180	AMD-P	97-14-106	434-40-200	DECOD-P	97-14-106
434-34-095	DECOD	97-21-045	434-36-180	DECOD-P	97-14-106	434-40-200	AMD	97-21-045
434-34-100	DECOD-P	97-14-106	434-36-180	AMD	97-21-045	434-40-200	DECOD	97-21-045
434-34-100	DECOD	97-21-045	434-36-180	DECOD	97-21-045	434-40-210	REP-P	97-14-106
434-34-105	DECOD-P	97-14-106	434-36-190	REP-P	97-14-106	434-40-210	REP	97-21-045
434-34-105	DECOD	97-21-045	434-36-190	REP	97-21-045	434-40-220	REP-P	97-14-106
434-34-110	AMD-P	97-14-106						

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
434-40-220	REP	97-21-045	434-53-110	AMD-S	97-21-046	434-61-020	AMD-P	97-14-106
434-40-225	NEW-E	97-13-003	434-53-120	AMD-P	97-14-106	434-61-020	DECOD-P	97-14-106
434-40-230	AMD-E	97-13-003	434-53-120	DECOD-P	97-14-106	434-61-020	AMD	97-21-045
434-40-230	AMD-P	97-14-106	434-53-120	AMD	97-21-045	434-61-020	DECOD	97-21-045
434-40-230	DECOD-P	97-14-106	434-53-120	DECOD	97-21-045	434-61-030	DECOD-P	97-14-106
434-40-230	AMD-E	97-21-044	434-53-130	DECOD-P	97-14-106	434-61-030	DECOD	97-21-045
434-40-230	DECOD	97-21-045	434-53-130	DECOD	97-21-045	434-61-040	AMD-P	97-14-106
434-40-230	AMD-S	97-21-046	434-53-140	DECOD-P	97-14-106	434-61-040	AMD-E	97-21-044
434-40-235	NEW-E	97-13-003	434-53-140	DECOD	97-21-045	434-61-040	DECOD-P	97-14-106
434-40-240	AMD-P	97-14-106	434-53-150	AMD-P	97-14-106	434-61-040	AMD	97-21-045
434-40-240	DECOD-P	97-14-106	434-53-150	DECOD-P	97-14-106	434-61-040	DECOD	97-21-045
434-40-240	AMD-E	97-21-044	434-53-150	AMD	97-21-045	434-61-050	REP-P	97-14-106
434-40-240	AMD	97-21-045	434-53-150	DECOD	97-21-045	434-61-050	REP	97-21-045
434-40-240	DECOD	97-21-045	434-53-160	AMD-P	97-14-106	434-61-060	DECOD-P	97-14-106
434-40-250	AMD-P	97-14-106	434-53-160	DECOD-P	97-14-106	434-61-060	DECOD	97-21-045
434-40-250	DECOD-P	97-14-106	434-53-160	AMD	97-21-045	434-62-005	DECOD-P	97-14-106
434-40-250	AMD	97-21-045	434-53-160	DECOD	97-21-045	434-62-005	DECOD	97-21-045
434-40-250	DECOD	97-21-045	434-53-170	AMD-P	97-14-106	434-62-010	DECOD-P	97-14-106
434-40-260	DECOD-P	97-14-106	434-53-170	DECOD-P	97-14-106	434-62-020	AMD-P	97-14-106
434-40-260	DECOD	97-21-045	434-53-170	AMD	97-21-045	434-62-020	DECOD-P	97-14-106
434-40-270	AMD-P	97-14-106	434-53-170	DECOD	97-21-045	434-62-020	DECOD	97-21-045
434-40-270	DECOD-P	97-14-106	434-53-180	DECOD-P	97-14-106	434-62-030	AMD-P	97-14-106
434-40-270	AMD-E	97-21-044	434-53-180	DECOD	97-21-045	434-62-030	DECOD-P	97-14-106
434-40-270	AMD	97-21-045	434-53-190	AMD-P	97-14-106	434-62-030	AMD	97-21-045
434-40-270	DECOD	97-21-045	434-53-190	DECOD-P	97-14-106	434-62-030	DECOD	97-21-045
434-40-280	REP-P	97-14-106	434-53-190	AMD	97-21-045	434-62-040	AMD-P	97-14-106
434-40-280	REP	97-21-045	434-53-190	DECOD	97-21-045	434-62-040	DECOD-P	97-14-106
434-40-290	AMD-P	97-14-106	434-53-200	AMD-P	97-14-106	434-62-040	AMD-E	97-21-044
434-40-290	DECOD-P	97-14-106	434-53-200	DECOD-P	97-14-106	434-62-040	AMD	97-21-045
434-40-290	AMD	97-21-045	434-53-200	AMD	97-21-045	434-62-040	DECOD	97-21-045
434-40-290	DECOD	97-21-045	434-53-200	DECOD	97-21-045	434-62-050	DECOD-P	97-14-106
434-40-300	DECOD-P	97-14-106	434-53-210	AMD-P	97-14-106	434-62-050	DECOD	97-21-045
434-40-300	DECOD	97-21-045	434-53-210	DECOD-P	97-14-106	434-62-060	DECOD-P	97-14-106
434-40-310	REP-E	97-13-003	434-53-210	AMD	97-21-045	434-62-060	DECOD	97-21-045
434-40-310	REP-P	97-14-106	434-53-210	DECOD	97-21-045	434-62-070	DECOD-P	97-14-106
434-40-310	REP-E	97-21-044	434-53-220	AMD	97-21-045	434-62-070	DECOD	97-21-045
434-40-310	REP	97-21-045	434-53-220	AMD-P	97-14-106	434-62-080	DECOD-P	97-14-106
434-53-010	DECOD-P	97-14-106	434-53-220	DECOD-P	97-14-106	434-62-080	DECOD	97-21-045
434-53-010	DECOD	97-21-045	434-53-220	DECOD	97-21-045	434-62-090	DECOD-P	97-14-106
434-53-020	AMD-P	97-14-106	434-53-230	AMD-P	97-14-106	434-62-090	DECOD	97-21-045
434-53-020	DECOD-P	97-14-106	434-53-230	DECOD-P	97-14-106	434-62-100	DECOD-P	97-14-106
434-53-020	AMD	97-21-045	434-53-230	AMD	97-21-045	434-62-100	DECOD	97-21-045
434-53-020	DECOD	97-21-045	434-53-230	DECOD	97-21-045	434-62-110	DECOD-P	97-14-106
434-53-030	AMD-P	97-14-106	434-53-240	DECOD-P	97-14-106	434-62-110	DECOD	97-21-045
434-53-030	DECOD-P	97-14-106	434-53-240	DECOD	97-21-045	434-62-120	DECOD-P	97-14-106
434-53-030	AMD	97-21-045	434-53-250	DECOD-P	97-14-106	434-62-120	DECOD	97-21-045
434-53-030	DECOD	97-21-045	434-53-250	DECOD	97-21-045	434-62-130	DECOD-P	97-14-106
434-53-040	AMD-P	97-14-106	434-53-260	DECOD-P	97-14-106	434-62-130	DECOD	97-21-045
434-53-040	DECOD-P	97-14-106	434-53-260	DECOD	97-21-045	434-62-140	DECOD-P	97-14-106
434-53-040	AMD	97-21-045	434-53-270	AMD-P	97-14-106	434-62-140	DECOD	97-21-045
434-53-040	DECOD	97-21-045	434-53-270	DECOD-P	97-14-106	434-62-150	DECOD-P	97-14-106
434-53-050	AMD-P	97-14-106	434-53-270	AMD	97-21-045	434-62-150	DECOD	97-21-045
434-53-050	DECOD-P	97-14-106	434-53-270	DECOD	97-21-045	434-62-160	DECOD-P	97-14-106
434-53-050	AMD-E	97-21-044	434-53-280	AMD-P	97-14-106	434-62-160	DECOD	97-21-045
434-53-050	DECOD	97-21-045	434-53-280	DECOD-P	97-14-106	434-62-170	DECOD-P	97-14-106
434-53-050	AMD-S	97-21-046	434-53-280	AMD	97-21-045	434-62-170	DECOD	97-21-045
434-53-060	DECOD-P	97-14-106	434-53-280	DECOD	97-21-045	434-62-180	DECOD-P	97-14-106
434-53-060	DECOD	97-21-045	434-53-290	AMD-P	97-14-106	434-62-180	DECOD	97-21-045
434-53-070	DECOD-P	97-14-106	434-53-290	DECOD-P	97-14-106	434-62-190	DECOD-P	97-14-106
434-53-070	DECOD	97-21-045	434-53-290	AMD	97-21-045	434-62-190	DECOD	97-21-045
434-53-080	DECOD-P	97-14-106	434-53-290	DECOD	97-21-045	434-62-200	DECOD-P	97-14-106
434-53-080	DECOD	97-21-045	434-53-300	AMD-P	97-14-106	434-62-200	DECOD	97-21-045
434-53-090	AMD-P	97-14-106	434-53-300	DECOD-P	97-14-106	434-79-010	AMD-P	97-13-094
434-53-090	DECOD-P	97-14-106	434-53-300	AMD	97-21-045	434-79-010	DECOD-P	97-14-106
434-53-090	AMD	97-21-045	434-53-300	DECOD	97-21-045	434-79-010	AMD	97-17-035
434-53-090	DECOD	97-21-045	434-53-310	DECOD-P	97-14-106	434-79-010	DECOD	97-21-045
434-53-100	AMD-P	97-14-106	434-53-310	DECOD	97-21-045	434-120-025	AMD-P	97-13-093
434-53-100	DECOD-P	97-14-106	434-53-320	DECOD-P	97-14-106	434-120-025	AMD	97-16-036
434-53-100	AMD	97-21-045	434-53-320	DECOD	97-21-045	434-120-040	NEW-P	97-08-07
434-53-100	DECOD	97-21-045	434-61-010	AMD-P	97-14-106	434-120-040	NEW	97-16-03
434-53-110	AMD-P	97-14-106	434-61-010	DECOD-P	97-14-106	434-120-105	AMD-P	97-08-076
434-53-110	DECOD-P	97-14-106	434-61-010	AMD	97-21-045	434-120-105	AMD-S	97-16-034
434-53-110	DECOD	97-21-045	434-61-010	DECOD	97-21-045	434-120-105	AMD	97-19-043

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
434-253-060	RECOD-P	97-14-106	434-261-090	NEW-P	97-14-106	434-324-095	RECOD-P	97-14-106
434-253-060	RECOD	97-21-045	434-261-090	NEW-E	97-21-044	434-324-095	RECOD	97-21-045
434-253-070	RECOD-P	97-14-106	434-261-090	NEW	97-21-045	434-324-105	RECOD-P	97-14-106
434-253-070	RECOD	97-21-045	434-261-100	NEW-P	97-14-106	434-324-105	RECOD	97-21-045
434-253-080	RECOD-P	97-14-106	434-261-100	NEW	97-21-045	434-324-110	RECOD-P	97-14-106
434-253-080	RECOD	97-21-045	434-262-005	RECOD-P	97-14-106	434-324-110	RECOD	97-21-045
434-253-090	RECOD-P	97-14-106	434-262-005	RECOD	97-21-045	434-324-115	RECOD-P	97-14-106
434-253-090	RECOD	97-21-045	434-262-010	RECOD-P	97-14-106	434-324-115	RECOD	97-21-045
434-253-100	RECOD-P	97-14-106	434-262-010	RECOD	97-21-045	434-324-120	RECOD-P	97-14-106
434-253-100	RECOD	97-21-045	434-262-015	NEW-P	97-14-106	434-324-120	RECOD	97-21-045
434-253-110	RECOD-P	97-14-106	434-262-015	NEW	97-21-045	434-324-130	RECOD-P	97-14-106
434-253-110	RECOD	97-21-045	434-262-020	RECOD-P	97-14-106	434-324-130	RECOD	97-21-045
434-253-120	RECOD-P	97-14-106	434-262-020	RECOD	97-21-045	434-324-140	RECOD-P	97-14-106
434-253-120	RECOD	97-21-045	434-262-025	NEW-P	97-14-106	434-324-140	RECOD	97-21-045
434-253-130	RECOD-P	97-14-106	434-262-025	NEW	97-21-045	434-324-160	RECOD-P	97-14-106
434-253-130	RECOD	97-21-045	434-262-030	RECOD-P	97-14-106	434-324-160	RECOD	97-21-045
434-253-140	RECOD-P	97-14-106	434-262-030	RECOD	97-21-045	434-334-010	RECOD-P	97-14-106
434-253-140	RECOD	97-21-045	434-262-035	NEW-P	97-14-106	434-334-010	RECOD	97-21-045
434-253-150	RECOD-P	97-14-106	434-262-035	NEW	97-21-045	434-334-015	RECOD-P	97-14-106
434-253-150	RECOD	97-21-045	434-262-040	RECOD-P	97-14-106	434-334-015	RECOD	97-21-045
434-253-160	RECOD-P	97-14-106	434-262-040	RECOD	97-21-045	434-334-020	RECOD-P	97-14-106
434-253-160	RECOD	97-21-045	434-262-045	NEW-P	97-14-106	434-334-020	RECOD	97-21-045
434-253-170	RECOD-P	97-14-106	434-262-045	NEW	97-21-045	434-334-025	RECOD-P	97-14-106
434-253-170	RECOD	97-21-045	434-262-050	RECOD-P	97-14-106	434-334-025	RECOD	97-21-045
434-253-180	RECOD-P	97-14-106	434-262-050	RECOD	97-21-045	434-334-030	RECOD-P	97-14-106
434-253-180	RECOD	97-21-045	434-262-060	RECOD-P	97-14-106	434-334-030	RECOD	97-21-045
434-253-190	RECOD-P	97-14-106	434-262-060	RECOD	97-21-045	434-334-035	RECOD-P	97-14-106
434-253-190	RECOD	97-21-045	434-262-070	RECOD-P	97-14-106	434-334-035	RECOD	97-21-045
434-253-200	RECOD-P	97-14-106	434-262-070	RECOD	97-21-045	434-334-040	RECOD-P	97-14-106
434-253-200	RECOD	97-21-045	434-262-080	RECOD-P	97-14-106	434-334-040	RECOD	97-21-045
434-253-210	RECOD-P	97-14-106	434-262-080	RECOD	97-21-045	434-334-045	RECOD-P	97-14-106
434-253-210	RECOD	97-21-045	434-262-090	RECOD-P	97-14-106	434-334-045	RECOD	97-21-045
434-253-220	RECOD-P	97-14-106	434-262-090	RECOD	97-21-045	434-334-050	RECOD-P	97-14-106
434-253-220	RECOD	97-21-045	434-262-100	RECOD-P	97-14-106	434-334-050	RECOD	97-21-045
434-253-230	RECOD-P	97-14-106	434-262-100	RECOD	97-21-045	434-334-055	RECOD-P	97-14-106
434-253-230	RECOD	97-21-045	434-262-110	RECOD-P	97-14-106	434-334-055	RECOD	97-21-045
434-253-240	RECOD-P	97-14-106	434-262-110	RECOD	97-21-045	434-334-060	RECOD-P	97-14-106
434-253-240	RECOD	97-21-045	434-262-120	RECOD-P	97-14-106	434-334-060	RECOD	97-21-045
434-253-250	RECOD-P	97-14-106	434-262-120	RECOD	97-21-045	434-334-065	RECOD-P	97-14-106
434-253-250	RECOD	97-21-045	434-262-130	RECOD-P	97-14-106	434-334-065	RECOD	97-21-045
434-253-260	RECOD-P	97-14-106	434-262-130	RECOD	97-21-045	434-334-070	RECOD-P	97-14-106
434-253-260	RECOD	97-21-045	434-262-140	RECOD-P	97-14-106	434-334-070	RECOD	97-21-045
434-253-270	RECOD-P	97-14-106	434-262-140	RECOD	97-21-045	434-334-075	RECOD-P	97-14-106
434-253-270	RECOD	97-21-045	434-262-150	RECOD-P	97-14-106	434-334-075	RECOD	97-21-045
434-253-280	RECOD-P	97-14-106	434-262-150	RECOD	97-21-045	434-334-080	RECOD-P	97-14-106
434-253-280	RECOD	97-21-045	434-262-160	RECOD-P	97-14-106	434-334-080	RECOD	97-21-045
434-253-290	RECOD-P	97-14-106	434-262-160	RECOD	97-21-045	434-334-085	RECOD-P	97-14-106
434-253-290	RECOD	97-21-045	434-262-170	RECOD-P	97-14-106	434-334-085	RECOD	97-21-045
434-253-300	RECOD-P	97-14-106	434-262-170	RECOD	97-21-045	434-334-090	RECOD-P	97-14-106
434-253-300	RECOD	97-21-045	434-262-180	RECOD-P	97-14-106	434-334-090	RECOD	97-21-045
434-253-310	RECOD-P	97-14-106	434-262-180	RECOD	97-21-045	434-334-095	RECOD-P	97-14-106
434-253-310	RECOD	97-21-045	434-262-190	RECOD-P	97-14-106	434-334-095	RECOD	97-21-045
434-253-320	RECOD-P	97-14-106	434-262-190	RECOD	97-21-045	434-334-100	RECOD-P	97-14-106
434-253-320	RECOD	97-21-045	434-262-200	RECOD-P	97-14-106	434-334-100	RECOD	97-21-045
434-261-005	NEW-P	97-14-106	434-262-200	RECOD	97-21-045	434-334-105	RECOD-P	97-14-106
434-261-005	NEW-E	97-21-044	434-324-010	RECOD-P	97-14-106	434-334-105	RECOD	97-21-045
434-261-005	NEW	97-21-045	434-324-010	RECOD	97-21-045	434-334-110	RECOD-P	97-14-106
434-261-010	RECOD-P	97-14-106	434-324-015	RECOD-P	97-14-106	434-334-110	RECOD	97-21-045
434-261-010	RECOD	97-21-045	434-324-015	RECOD	97-21-045	434-334-115	RECOD-P	97-14-106
434-261-020	RECOD-P	97-14-106	434-324-020	RECOD-P	97-14-106	434-334-115	RECOD	97-21-045
434-261-020	RECOD	97-21-045	434-324-020	RECOD	97-21-045	434-379-010	RECOD-P	97-14-106
434-261-030	RECOD-P	97-14-106	434-324-025	RECOD-P	97-14-106	434-379-010	RECOD	97-21-045
434-261-030	RECOD	97-21-045	434-324-025	RECOD	97-21-045	434-840-350	AMD-P	97-14-106
434-261-040	RECOD-P	97-14-106	434-324-030	RECOD-P	97-14-106	434-840-350	AMD	97-21-045
434-261-040	RECOD	97-21-045	434-324-030	RECOD	97-21-045	440-22-005	AMD	97-03-062
434-261-060	RECOD-P	97-14-106	434-324-035	RECOD-P	97-14-106	440-22-005	AMD-S	97-08-073
434-261-060	RECOD	97-21-045	434-324-035	RECOD	97-21-045	440-22-005	AMD	97-13-050
434-261-070	NEW-P	97-14-106	434-324-050	RECOD-P	97-14-106	440-22-180	AMD-S	97-08-073
434-261-070	NEW-E	97-21-044	434-324-050	RECOD	97-21-045	440-22-180	AMD	97-13-050
434-261-070	NEW	97-21-045	434-324-060	RECOD-P	97-14-106	440-22-200	AMD-S	97-08-073
434-261-080	NEW-P	97-14-106	434-324-060	RECOD	97-21-045	440-22-200	AMD	97-13-050
434-261-080	NEW-E	97-21-044	434-324-085	RECOD-P	97-14-106	440-22-220	AMD-S	97-08-073
434-261-080	NEW	97-21-045	434-324-085	RECOD	97-21-045	440-22-220	AMD	97-13-050

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
440-22-220	AMD-E	97-15-033	458-12-345	PREP-X	97-14-043	461-08-560	AMD-P	97-15-057
440-22-220	AMD-P	97-15-133	458-12-345	REP	97-21-004	461-08-560	AMD	97-19-063
440-22-220	AMD	97-19-021	458-12-355	PREP-X	97-14-043	461-08-570	AMD-P	97-15-057
440-22-225	AMD-S	97-08-073	458-12-355	REP	97-21-004	461-08-570	AMD	97-19-063
440-22-225	AMD	97-13-050	458-12-365	PREP-X	97-14-043	463-06-010	AMD-XA	97-19-061
440-22-230	AMD-S	97-08-073	458-12-365	REP	97-21-004	463-06-020	AMD-XA	97-19-056
440-22-230	AMD	97-13-050	458-12-370	PREP-X	97-14-043	463-06-030	AMD-XA	97-19-056
440-22-240	AMD-S	97-08-073	458-12-370	REP	97-21-004	463-10-010	AMD-XA	97-19-057
440-22-240	AMD	97-13-050	458-12-375	PREP-X	97-14-043	463-14-070	AMD-XA	97-19-058
440-22-250	AMD-S	97-08-073	458-12-375	REP	97-21-004	463-18-050	AMD-XA	97-19-059
440-22-250	AMD	97-13-050	458-12-385	PREP-X	97-14-043	463-30-080	AMD-XA	97-19-059
440-22-253	NEW-S	97-08-073	458-12-385	REP	97-21-004	463-30-120	AMD-XA	97-19-059
440-22-253	NEW	97-13-050	458-18-210	AMD-XA	97-21-095	463-30-300	AMD-XA	97-19-062
440-22-255	NEW-S	97-08-073	458-18-220	AMD-XA	97-21-098	463-30-330	AMD-XA	97-19-059
440-22-255	NEW	97-13-050	458-20-101	AMD	97-08-050	463-30-335	AMD-XA	97-19-059
440-22-257	NEW-S	97-08-073	458-20-104	AMD	97-08-050	463-47-020	AMD-XA	97-19-060
440-22-257	NEW	97-13-050	458-20-104	AMD-E	97-19-033	463-47-120	AMD-XA	97-19-060
440-22-260	AMD-S	97-08-073	458-20-137	PREP-XR	97-21-003	463-54-070	AMD-XA	97-19-058
440-22-260	AMD	97-13-050	458-20-14601	NEW	97-11-033	466-02-010	REP-P	97-12-074
440-22-280	AMD-S	97-08-073	458-20-174	AMD-P	97-07-079	466-02-010	REP	97-15-110
440-22-280	AMD	97-13-050	458-20-174	AMD	97-11-022	466-03-010	REP-P	97-12-074
440-22-300	AMD-S	97-08-073	458-20-17401	AMD-P	97-07-079	466-03-010	REP	97-15-110
440-22-300	AMD	97-13-050	458-20-17401	AMD	97-11-022	466-03-020	REP-P	97-12-074
440-22-310	AMD-S	97-08-073	458-20-184	PREP-X	97-14-042	466-03-020	REP	97-15-110
440-22-320	AMD-S	97-08-073	458-20-184	REP	97-21-022	466-03-030	REP-P	97-12-074
440-22-320	AMD	97-13-050	458-20-253	PREP-XR	97-21-003	466-03-030	REP	97-15-110
440-22-325	AMD-S	97-08-073	458-20-263	NEW	97-03-027	466-03-040	REP-P	97-12-074
440-22-325	AMD	97-13-050	458-30-262	AMD-XA	97-21-096	466-03-040	REP	97-15-110
440-22-335	AMD-S	97-08-073	458-30-590	AMD-XA	97-21-097	466-03-050	REP-P	97-12-074
440-22-335	AMD	97-13-050	458-40-540	AMD	97-07-041	466-03-050	REP	97-15-110
440-22-406	NEW	97-03-062	458-40-540	AMD-W	97-11-060	466-03-060	REP-P	97-12-074
446-16-010	AMD	97-05-048	458-40-540	PREP	97-19-030	466-03-060	REP	97-15-110
446-16-025	AMD	97-05-048	458-40-650	PREP	97-19-029	466-03-070	REP-P	97-12-074
446-16-030	AMD	97-05-048	458-40-660	PREP	97-06-111	466-03-070	REP	97-15-110
446-16-040	REP	97-05-048	458-40-660	AMD-P	97-10-027	466-03-080	REP-P	97-12-074
446-16-050	REP	97-05-048	458-40-660	AMD	97-14-068	466-03-080	REP	97-15-110
446-16-070	AMD	97-05-048	458-40-660	PREP	97-19-031	466-03-090	REP-P	97-12-074
446-16-080	AMD	97-05-048	460-21B-050	AMD	97-03-122	466-03-090	REP	97-15-110
446-16-100	AMD	97-05-048	460-21B-080	REP	97-03-122	466-03-100	REP-P	97-12-074
446-16-110	AMD	97-05-048	460-22B-070	REP	97-03-122	466-03-100	REP	97-15-110
446-16-120	AMD	97-05-048	460-22B-080	REP	97-03-122	466-03-110	REP-P	97-12-074
446-20-050	AMD	97-05-048	460-22B-090	AMD-P	97-13-076	466-03-110	REP	97-15-110
446-20-090	AMD	97-05-048	460-22B-090	AMD	97-16-050	466-03-120	REP-P	97-12-074
446-20-100	AMD	97-05-048	460-24A	PREP	97-08-059	466-03-120	REP	97-15-110
446-20-110	REP	97-05-048	460-24A-040	AMD-P	97-13-076	466-03-130	REP-P	97-12-074
446-20-170	AMD	97-05-048	460-24A-040	AMD	97-16-050	466-03-130	REP	97-15-110
446-20-280	AMD	97-05-048	460-24A-045	AMD-P	97-13-076	466-03-900	REP-P	97-12-074
446-20-285	AMD	97-05-048	460-24A-045	AMD	97-16-050	466-03-900	REP	97-15-110
446-20-500	AMD	97-05-048	460-24A-046	REP	97-03-122	466-04-010	REP-P	97-12-074
446-20-500	PREP	97-17-058	460-24A-050	AMD-P	97-13-076	466-04-010	REP	97-15-110
446-20-500	AMD-P	97-21-020	460-24A-050	AMD	97-16-050	466-04-020	REP-P	97-12-074
446-20-510	AMD	97-05-048	460-24A-170	AMD-P	97-13-076	466-04-020	REP	97-15-110
446-20-510	PREP	97-17-058	460-24A-170	AMD	97-16-050	466-04-030	REP-P	97-12-074
446-20-510	AMD-P	97-21-020	460-40A-015	PREP-XR	97-20-073	466-04-030	REP	97-15-110
446-20-520	AMD	97-05-048	460-40A-020	PREP-XR	97-20-073	466-04-040	REP-P	97-12-074
446-20-525	PREP	97-17-058	460-40A-040	PREP-XR	97-20-073	466-04-040	REP	97-15-110
446-20-525	AMD-P	97-21-020	460-42A-082	NEW-P	97-13-077	466-04-050	REP-P	97-12-074
446-20-530	AMD	97-05-048	460-42A-082	NEW	97-16-051	466-04-050	REP	97-15-110
458-10-010	NEW	97-08-068	460-44A-300	NEW-P	97-08-061	466-04-060	REP-P	97-12-074
458-10-020	NEW	97-08-068	460-44A-300	NEW	97-16-121	466-04-060	REP	97-15-110
458-10-030	NEW	97-08-068	460-44A-506	PREP	97-08-057	466-04-070	REP-P	97-12-074
458-10-040	NEW	97-08-068	460-65A-010	PREP-XR	97-20-027	466-04-070	REP	97-15-110
458-10-050	NEW	97-08-068	460-65A-020	PREP-XR	97-20-027	466-07-010	REP-P	97-12-074
458-10-060	NEW	97-08-068	460-65A-030	PREP-XR	97-20-027	466-07-010	REP-E	97-15-109
458-10-070	NEW	97-08-068	460-65A-040	PREP-XR	97-20-027	466-07-010	REP	97-15-110
458-12-130	PREP-X	97-14-043	460-65A-100	PREP-XR	97-20-027	466-08-010	REP-P	97-12-074
458-12-130	REP	97-21-004	460-65A-105	PREP-XR	97-20-027	466-08-010	REP	97-15-110
458-12-185	PREP-X	97-14-043	460-65A-110	PREP-XR	97-20-027	466-08-020	REP-P	97-12-074
458-12-185	REP	97-21-004	460-65A-115	PREP-XR	97-20-027	466-08-020	REP	97-15-110
458-12-340	PREP-X	97-14-043	460-65A-125	PREP-XR	97-20-027	466-08-030	REP-P	97-12-074
458-12-340	REP	97-21-004	461-08-310	AMD-E	97-12-004	466-08-030	REP	97-15-110
458-12-341	PREP-X	97-14-043	461-08-310	AMD-P	97-15-057	466-08-040	REP-P	97-12-074
458-12-341	REP	97-21-004	461-08-310	AMD	97-19-063	466-08-040	REP	97-15-110

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
466-08-050	REP-P	97-12-074	468-86-150	NEW-P	97-06-005	478-116-114	NEW	97-14-005
466-08-050	REP	97-15-110	468-86-150	NEW	97-09-046	478-116-116	NEW-P	97-09-071
466-08-060	REP-P	97-12-074	468-86-160	NEW-P	97-06-005	478-116-116	NEW	97-14-005
466-08-060	REP	97-15-110	468-86-160	NEW	97-09-046	478-116-120	REP-P	97-09-071
466-08-070	REP-P	97-12-074	468-105	PREP	97-08-016	478-116-120	REP	97-14-005
466-08-070	REP	97-15-110	468-105-020	AMD-P	97-11-040	478-116-121	NEW-P	97-09-071
466-08-080	REP-P	97-12-074	468-105-020	AMD	97-14-037	478-116-121	NEW	97-14-005
466-08-080	REP	97-15-110	468-105-040	AMD-P	97-11-040	478-116-125	NEW-P	97-09-071
466-08-090	REP-P	97-12-074	468-105-040	AMD	97-14-037	478-116-125	NEW	97-14-005
466-08-090	REP	97-15-110	468-105-050	AMD-P	97-11-040	478-116-130	REP-P	97-09-071
468-16-030	AMD-P	97-05-007	468-105-050	AMD	97-14-037	478-116-130	REP	97-14-005
468-16-030	AMD	97-09-045	468-105-060	AMD-P	97-11-040	478-116-131	NEW-P	97-09-071
468-16-080	AMD-P	97-05-007	468-105-060	AMD	97-14-037	478-116-131	NEW	97-14-005
468-16-080	AMD	97-09-045	468-105-070	AMD-P	97-11-040	478-116-140	REP-P	97-09-071
468-16-090	AMD-P	97-05-007	468-105-070	AMD	97-14-037	478-116-140	REP	97-14-005
468-16-090	AMD	97-09-045	468-105-080	AMD-P	97-11-040	478-116-141	NEW-P	97-09-071
468-16-100	AMD-P	97-05-007	468-105-080	AMD	97-14-037	478-116-141	NEW	97-14-005
468-16-100	AMD	97-09-045	468-200-080	AMD	97-03-064	478-116-145	NEW-P	97-09-071
468-16-120	AMD-P	97-05-007	468-200-160	AMD	97-03-064	478-116-145	NEW	97-14-005
468-16-120	AMD	97-09-045	468-200-350	AMD	97-03-064	478-116-147	NEW-P	97-09-071
468-16-130	AMD-P	97-05-007	468-300-210	PREP	97-03-118	478-116-147	NEW	97-14-005
468-16-130	AMD	97-09-045	468-300-210	REP-P	97-12-074	478-116-151	NEW-P	97-09-071
468-16-140	AMD-P	97-05-007	468-300-210	REP-E	97-15-109	478-116-151	NEW	97-14-005
468-16-140	AMD	97-09-045	468-300-210	REP	97-15-110	478-116-160	REP-P	97-09-071
468-16-150	AMD-P	97-05-007	468-300-220	NEW-P	97-12-074	478-116-160	REP	97-14-005
468-16-150	AMD	97-09-045	468-300-220	NEW-E	97-15-109	478-116-161	NEW-P	97-09-071
468-16-160	AMD-P	97-05-007	468-300-220	NEW	97-15-110	478-116-161	NEW	97-14-005
468-16-160	AMD	97-09-045	468-500-001	NEW	97-06-002	478-116-163	NEW-P	97-09-071
468-16-170	AMD-P	97-05-007	478-04-020	AMD-P	97-08-062	478-116-163	NEW	97-14-005
468-16-170	AMD	97-09-045	478-04-020	AMD	97-14-004	478-116-165	NEW-P	97-09-071
468-16-180	AMD-P	97-05-007	478-108-020	AMD-P	97-08-062	478-116-165	NEW	97-14-005
468-16-180	AMD	97-09-045	478-108-020	AMD	97-14-004	478-116-167	NEW-P	97-09-071
468-34-010	PREP	97-21-028	478-116-010	AMD-P	97-09-071	478-116-167	NEW	97-14-005
468-34-020	PREP	97-21-028	478-116-010	AMD	97-14-005	478-116-170	REP-P	97-09-071
468-34-120	PREP	97-21-028	478-116-020	AMD-P	97-09-071	478-116-170	REP	97-14-005
468-34-150	PREP	97-21-028	478-116-020	AMD	97-14-005	478-116-171	NEW-P	97-09-071
468-34-210	PREP	97-21-028	478-116-030	AMD-P	97-09-071	478-116-171	NEW	97-14-005
468-34-330	PREP	97-21-028	478-116-030	AMD	97-14-005	478-116-180	REP-P	97-09-071
468-66	PREP	97-09-070	478-116-044	NEW-P	97-09-071	478-116-180	REP	97-14-005
468-66-010	AMD-P	97-13-028	478-116-044	NEW	97-14-005	478-116-181	NEW-P	97-09-071
468-66-010	AMD	97-17-010	478-116-046	NEW-P	97-09-071	478-116-181	NEW	97-14-005
468-66-030	AMD-P	97-13-028	478-116-046	NEW	97-14-005	478-116-184	NEW-P	97-09-071
468-66-030	AMD	97-17-010	478-116-050	REP-P	97-09-071	478-116-184	NEW	97-14-005
468-66-150	AMD-P	97-13-028	478-116-050	REP	97-14-005	478-116-186	NEW-P	97-09-071
468-66-150	AMD	97-17-010	478-116-051	NEW-P	97-09-071	478-116-186	NEW	97-14-005
468-86-010	NEW-P	97-06-005	478-116-051	NEW	97-14-005	478-116-190	REP-P	97-09-071
468-86-010	NEW	97-09-046	478-116-055	REP-P	97-09-071	478-116-190	REP	97-14-005
468-86-020	NEW-P	97-06-005	478-116-055	REP	97-14-005	478-116-191	NEW-P	97-09-071
468-86-020	NEW	97-09-046	478-116-060	REP-P	97-09-071	478-116-191	NEW	97-14-005
468-86-030	NEW-P	97-06-005	478-116-060	REP	97-14-005	478-116-200	REP-P	97-09-071
468-86-030	NEW	97-09-046	478-116-061	NEW-P	97-09-071	478-116-200	REP	97-14-005
468-86-040	NEW-P	97-06-005	478-116-061	NEW	97-14-005	478-116-201	NEW-P	97-09-071
468-86-040	NEW	97-09-046	478-116-070	REP-P	97-09-071	478-116-201	NEW	97-14-005
468-86-050	NEW-P	97-06-005	478-116-070	REP	97-14-005	478-116-210	REP-P	97-09-071
468-86-050	NEW	97-09-046	478-116-071	NEW-P	97-09-071	478-116-210	REP	97-14-005
468-86-060	NEW-P	97-06-005	478-116-071	NEW	97-14-005	478-116-211	NEW-P	97-09-071
468-86-060	NEW	97-09-046	478-116-080	REP-P	97-09-071	478-116-211	NEW	97-14-005
468-86-070	NEW-P	97-06-005	478-116-080	REP	97-14-005	478-116-220	REP-P	97-09-071
468-86-070	NEW	97-09-046	478-116-088	REP-P	97-09-071	478-116-220	REP	97-14-005
468-86-080	NEW-P	97-06-005	478-116-088	REP	97-14-005	478-116-221	NEW-P	97-09-071
468-86-080	NEW	97-09-046	478-116-090	REP-P	97-09-071	478-116-221	NEW	97-14-005
468-86-090	NEW-P	97-06-005	478-116-090	REP	97-14-005	478-116-223	NEW-P	97-09-071
468-86-090	NEW	97-09-046	478-116-095	REP-P	97-09-071	478-116-223	NEW	97-14-005
468-86-100	NEW-P	97-06-005	478-116-095	REP	97-14-005	478-116-225	NEW-P	97-09-071
468-86-100	NEW	97-09-046	478-116-100	REP-P	97-09-071	478-116-225	NEW	97-14-005
468-86-110	NEW-P	97-06-005	478-116-100	REP	97-14-005	478-116-227	NEW-P	97-09-071
468-86-110	NEW	97-09-046	478-116-101	NEW-P	97-09-071	478-116-227	NEW	97-14-005
468-86-120	NEW-P	97-06-005	478-116-101	NEW	97-14-005	478-116-230	REP-P	97-09-071
468-86-120	NEW	97-09-046	478-116-110	REP-P	97-09-071	478-116-230	REP	97-14-005
468-86-130	NEW-P	97-06-005	478-116-110	REP	97-14-005	478-116-231	NEW-P	97-09-071
468-86-130	NEW	97-09-046	478-116-111	NEW-P	97-09-071	478-116-231	NEW	97-14-005
468-86-140	NEW-P	97-06-005	478-116-111	NEW	97-14-005	478-116-240	REP-P	97-09-071
468-86-140	NEW	97-09-046	478-116-114	NEW-P	97-09-071	478-116-240	REP	97-14-005

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
478-116-241	NEW-P	97-09-071	478-116-501	NEW	97-14-005	478-160-040	AMD-P	97-08-062
478-116-241	NEW	97-14-005	478-116-520	AMD-P	97-09-071	478-160-040	AMD	97-14-004
478-116-245	NEW-P	97-09-071	478-116-520	AMD	97-14-005	478-160-050	AMD-P	97-08-062
478-116-245	NEW	97-14-005	478-116-531	NEW-P	97-09-071	478-160-050	AMD	97-14-004
478-116-250	REP-P	97-09-071	478-116-531	NEW	97-14-005	478-160-060	AMD-P	97-08-062
478-116-250	REP	97-14-005	478-116-540	REP-P	97-09-071	478-160-060	AMD	97-14-004
478-116-251	NEW-P	97-09-071	478-116-540	REP	97-14-005	478-160-065	AMD-P	97-08-062
478-116-251	NEW	97-14-005	478-116-541	NEW-P	97-09-071	478-160-065	AMD	97-14-004
478-116-253	NEW-P	97-09-071	478-116-541	NEW	97-14-005	478-160-085	AMD-P	97-08-062
478-116-253	NEW	97-14-005	478-116-550	REP-P	97-09-071	478-160-085	AMD	97-14-004
478-116-255	NEW-P	97-09-071	478-116-550	REP	97-14-005	478-160-105	AMD-P	97-08-062
478-116-255	NEW	97-14-005	478-116-551	NEW-P	97-09-071	478-160-105	AMD	97-14-004
478-116-260	REP-P	97-09-071	478-116-551	NEW	97-14-005	478-160-110	AMD-P	97-08-062
478-116-260	REP	97-14-005	478-116-561	NEW-P	97-09-071	478-160-110	AMD	97-14-004
478-116-261	NEW-P	97-09-071	478-116-561	NEW	97-14-005	478-160-120	AMD-P	97-08-062
478-116-261	NEW	97-14-005	478-116-570	REP-P	97-09-071	478-160-120	AMD	97-14-004
478-116-270	REP-P	97-09-071	478-116-570	REP	97-14-005	478-160-125	AMD-P	97-08-062
478-116-270	REP	97-14-005	478-116-580	REP-P	97-09-071	478-160-125	AMD	97-14-004
478-116-271	NEW-P	97-09-071	478-116-580	REP	97-14-005	478-160-130	AMD-P	97-08-062
478-116-271	NEW	97-14-005	478-116-582	REP-P	97-09-071	478-160-130	AMD	97-14-004
478-116-280	REP-P	97-09-071	478-116-582	REP	97-14-005	478-160-140	AMD-P	97-08-062
478-116-280	REP	97-14-005	478-116-584	REP-P	97-09-071	478-160-140	AMD	97-14-004
478-116-281	NEW-P	97-09-071	478-116-584	REP	97-14-005	478-160-160	AMD-P	97-08-062
478-116-281	NEW	97-14-005	478-116-586	REP-P	97-09-071	478-160-160	AMD	97-14-004
478-116-290	REP-P	97-09-071	478-116-586	REP	97-14-005	478-160-162	AMD-P	97-08-062
478-116-290	REP	97-14-005	478-116-588	REP-P	97-09-071	478-160-162	AMD	97-14-004
478-116-291	NEW-P	97-09-071	478-116-588	REP	97-14-005	478-160-175	AMD-P	97-08-062
478-116-291	NEW	97-14-005	478-116-589	REP-P	97-09-071	478-160-175	AMD	97-14-004
478-116-300	REP-P	97-09-071	478-116-589	REP	97-14-005	478-160-210	AMD-P	97-08-062
478-116-300	REP	97-14-005	478-116-590	REP-P	97-09-071	478-160-210	AMD	97-14-004
478-116-301	NEW-P	97-09-071	478-116-590	REP	97-14-005	478-160-230	AMD-P	97-08-062
478-116-301	NEW	97-14-005	478-116-601	REP-P	97-09-071	478-160-230	AMD	97-14-004
478-116-310	REP-P	97-09-071	478-116-601	REP	97-14-005	478-160-246	AMD-P	97-08-062
478-116-310	REP	97-14-005	478-116-605	NEW-P	97-09-071	478-160-246	AMD	97-14-004
478-116-311	NEW-P	97-09-071	478-116-605	NEW	97-14-005	478-160-290	AMD-P	97-08-062
478-116-311	NEW	97-14-005	478-116-610	REP-P	97-09-071	478-160-290	AMD	97-14-004
478-116-320	REP-P	97-09-071	478-116-610	REP	97-14-005	478-160-295	AMD-P	97-08-062
478-116-320	REP	97-14-005	478-116-611	NEW-P	97-09-071	478-160-295	AMD	97-14-004
478-116-330	REP-P	97-09-071	478-116-611	NEW	97-14-005	478-160-310	AMD-P	97-08-062
478-116-330	REP	97-14-005	478-116-620	NEW-P	97-09-071	478-160-310	AMD	97-14-004
478-116-340	REP-P	97-09-071	478-116-620	NEW	97-14-005	478-160-320	AMD-P	97-08-062
478-116-340	REP	97-14-005	478-116-630	NEW-P	97-09-071	478-160-320	AMD	97-14-004
478-116-345	REP-P	97-09-071	478-116-630	NEW	97-14-005	478-250-050	AMD-P	97-08-062
478-116-345	REP	97-14-005	478-116-640	NEW-P	97-09-071	478-250-050	AMD	97-14-004
478-116-350	REP-P	97-09-071	478-116-640	NEW	97-14-005	478-250-060	AMD-P	97-08-062
478-116-350	REP	97-14-005	478-116-650	NEW-P	97-09-071	478-250-060	AMD	97-14-004
478-116-355	REP-P	97-09-071	478-116-650	NEW	97-14-005	478-276-030	REP-P	97-08-062
478-116-355	REP	97-14-005	478-116-660	NEW-P	97-09-071	478-276-030	REP	97-14-004
478-116-360	REP-P	97-09-071	478-116-660	NEW	97-14-005	478-276-040	REP-P	97-08-062
478-116-360	REP	97-14-005	478-116-670	NEW-P	97-09-071	478-276-040	REP	97-14-004
478-116-370	REP-P	97-09-071	478-116-670	NEW	97-14-005	478-276-060	AMD-P	97-08-062
478-116-370	REP	97-14-005	478-136	PREP	97-10-077	478-276-060	AMD	97-14-004
478-116-380	REP-P	97-09-071	478-136-010	AMD-P	97-18-064	478-276-070	AMD-P	97-08-062
478-116-380	REP	97-14-005	478-136-012	AMD-P	97-18-064	478-276-070	AMD	97-14-004
478-116-390	REP-P	97-09-071	478-136-015	AMD-P	97-18-064	478-276-080	AMD-P	97-08-062
478-116-390	REP	97-14-005	478-136-025	AMD-P	97-18-064	478-276-080	AMD	97-14-004
478-116-400	REP-P	97-09-071	478-136-030	AMD-P	97-18-064	478-276-100	AMD-P	97-08-062
478-116-400	REP	97-14-005	478-136-040	REP-P	97-18-064	478-276-100	AMD	97-14-004
478-116-401	NEW-P	97-09-071	478-136-060	AMD-P	97-18-064	478-276-105	NEW-P	97-08-062
478-116-401	NEW	97-14-005	478-156	PREP	97-16-101	478-276-105	NEW	97-14-004
478-116-411	NEW-P	97-09-071	478-156	AMD-P	97-20-085	478-276-140	AMD-P	97-08-062
478-116-411	NEW	97-14-005	478-156-010	AMD-P	97-20-085	478-276-140	AMD	97-14-004
478-116-421	NEW-P	97-09-071	478-156-011	AMD-P	97-20-085	480-04	PREP	97-17-047
478-116-421	NEW	97-14-005	478-156-012	AMD-P	97-20-085	480-09	PREP	97-17-047
478-116-431	NEW-P	97-09-071	478-156-013	AMD-P	97-20-085	480-11	PREP	97-17-047
478-116-431	NEW	97-14-005	478-156-014	AMD-P	97-20-085	480-31-010	NEW	97-08-037
478-116-440	REP-P	97-09-071	478-156-015	AMD-P	97-20-085	480-31-020	NEW	97-08-037
478-116-440	REP	97-14-005	478-156-016	AMD-P	97-20-085	480-31-030	NEW	97-08-037
478-116-450	REP-P	97-09-071	478-156-017	AMD-P	97-20-085	480-31-040	NEW	97-08-037
478-116-450	REP	97-14-005	478-156-018	AMD-P	97-20-085	480-31-050	NEW	97-08-037
478-116-460	REP-P	97-09-071	478-160	PREP	97-20-084	480-31-060	NEW	97-08-037
478-116-460	REP	97-14-005	478-160-035	AMD-P	97-08-062	480-31-070	NEW	97-08-037
478-116-501	NEW-P	97-09-071	478-160-035	AMD	97-14-004	480-31-080	NEW	97-08-037

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-31-090	NEW	97-08-037	495A-141-110	NEW-P	97-07-002			
480-31-100	NEW	97-08-037	495A-141-110	NEW	97-12-038			
480-31-110	NEW	97-08-037	495A-141-120	NEW-P	97-07-002			
480-31-120	NEW	97-08-037	495A-141-120	NEW	97-12-038			
480-31-130	NEW	97-08-037	495A-141-130	NEW-P	97-07-002			
480-31-140	NEW	97-08-037	495A-141-130	NEW	97-12-038			
480-35	PREP	97-17-046	495A-141-140	NEW-P	97-07-002			
480-69	PREP	97-17-046	495A-141-140	NEW	97-12-038			
480-75-002	NEW	97-07-042	495A-141-150	NEW-P	97-07-002			
480-75-005	NEW	97-07-042	495A-141-150	NEW	97-12-038			
480-75-230	NEW	97-07-042	495A-141-160	NEW-P	97-07-002			
480-80	PREP	97-21-153	495A-141-160	NEW	97-12-038			
480-80-330	AMD-E	97-17-026	495A-141-165	NEW-P	97-07-002			
480-120-027	AMD-E	97-17-026	495A-141-165	NEW	97-12-038			
480-120-042	AMD-P	97-11-072	495A-141-170	NEW-P	97-07-002			
480-120-042	AMD	97-18-056	495A-141-170	NEW	97-12-038			
480-120-042	AMD	97-20-095	495A-141-180	NEW-P	97-07-002			
480-120-106	PREP	97-11-071	495A-141-180	NEW	97-12-038			
480-120-106	AMD-P	97-19-070	495B-120-035	NEW-P	97-03-071			
480-120-137	PREP	97-08-036	495B-120-035	NEW	97-11-014			
480-120-138	PREP	97-08-036	495E-104-010	PREP-XR	97-19-067			
480-120-139	NEW-P	97-11-072	504-12-010	PREP-X	97-14-038			
480-120-139	NEW	97-18-056	504-12-010	REP	97-20-020			
480-120-139	NEW	97-20-095	504-12-020	PREP-X	97-14-038			
480-120-141	PREP	97-08-036	504-12-020	REP	97-20-020			
480-120-142	PREP	97-08-036	504-12-030	PREP-X	97-14-038			
480-123-010	NEW-E	97-17-026	504-12-030	REP	97-20-020			
480-150	PREP	97-17-046	504-12-040	PREP-X	97-14-038			
484-20-103	AMD	97-06-013	504-12-040	REP	97-20-020			
484-20-120	AMD	97-06-013	504-12-050	PREP-X	97-14-038			
490-500	PREP	97-13-086	504-12-050	REP	97-20-020			
491-10-010	PREP-X	97-13-046	504-36-030	AMD-P	97-10-086			
491-10-010	REP	97-18-001	504-36-030	AMD-C	97-16-072			
495A-120-041	NEW-P	97-07-003	504-36-030	AMD	97-20-019			
495A-120-041	NEW	97-20-081	516-12	PREP	97-06-014			
495A-120-042	NEW-P	97-07-003	516-12-400	AMD-P	97-11-025			
495A-120-042	NEW	97-20-081	516-12-400	AMD	97-17-052			
495A-120-043	NEW-P	97-07-003	516-12-420	AMD-P	97-11-025			
495A-120-043	NEW	97-20-081	516-12-420	AMD	97-17-052			
495A-141-010	NEW-P	97-07-002	516-12-430	AMD-P	97-11-025			
495A-141-010	NEW	97-12-038	516-12-430	AMD	97-17-052			
495A-141-011	NEW-P	97-07-002	516-12-450	AMD-P	97-11-025			
495A-141-011	NEW	97-12-038	516-12-450	AMD	97-17-052			
495A-141-012	NEW-P	97-07-002	516-12-460	AMD-P	97-11-025			
495A-141-012	NEW	97-12-038	516-12-460	AMD	97-17-052			
495A-141-013	NEW-P	97-07-002	516-12-470	AMD-P	97-11-025			
495A-141-013	NEW	97-12-038	516-12-470	AMD	97-17-052			
495A-141-014	NEW-P	97-07-002	516-12-480	AMD-P	97-11-025			
495A-141-014	NEW	97-12-038	516-12-480	AMD	97-17-052			
495A-141-030	NEW-P	97-07-002						
495A-141-030	NEW	97-12-038						
495A-141-035	NEW-P	97-07-002						
495A-141-035	NEW	97-12-038						
495A-141-040	NEW-P	97-07-002						
495A-141-040	NEW	97-12-038						
495A-141-045	NEW-P	97-07-002						
495A-141-045	NEW	97-12-038						
495A-141-050	NEW-P	97-07-002						
495A-141-050	NEW	97-12-038						
495A-141-055	NEW-P	97-07-002						
495A-141-055	NEW	97-12-038						
495A-141-060	NEW-P	97-07-002						
495A-141-060	NEW	97-12-038						
495A-141-065	NEW-P	97-07-002						
495A-141-065	NEW	97-12-038						
495A-141-070	NEW-P	97-07-002						
495A-141-070	NEW	97-12-038						
495A-141-080	NEW-P	97-07-002						
495A-141-080	NEW	97-12-038						
495A-141-090	NEW-P	97-07-002						
495A-141-090	NEW	97-12-038						
495A-141-100	NEW-P	97-07-002						
495A-141-100	NEW	97-12-038						

TABLE

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

AGRICULTURE, DEPARTMENT OF

Adjudicative proceedings	PROP 97-08-086	meetings	MISC 97-01-051
	PERM 97-14-050		MISC 97-04-017
Animal health		new varieties	PREP 97-05-067
brucellosis vaccine	PERM 97-01-067	spectrophotometric analysis of	
Animals		hops, fees	PERM 97-05-003
dead animals, offal, and meat scraps,		Lentil seed quarantine	PROP 97-04-090
transportation and disposal	EXRE 97-14-048		PROP 97-05-058
	PERM 97-18-042	Lentils	PROP 97-05-059
import permits for animals		assessments	PREP 97-08-083
banned as pets	PERM 97-01-068		PROP 97-11-085
mink importation	EXRE 97-14-048	Livestock identification program	PROP 97-15-151
semen	EXRE 97-14-048	Metrology lab service fee	PREP 97-08-088
Apiaries			PREP 97-05-037
fees	PREP 97-15-124		PROP 97-09-103
	PROP 97-20-152		PERM 97-12-024
penalties	PREP 97-15-124	Milk and milk products	
	PROP 97-20-152	raw milk	PREP 97-06-011
Apples			PROP 97-15-115
apple maggot quarantine	PROP 97-04-089		PERM 97-19-045
	PERM 97-09-098	National type evaluation program	EXAD 97-20-127
controlled atmosphere storage, resealing	EMER 97-03-063	Noxious weed control board	
Asparagus		meetings	MISC 97-01-045
standards	PERM 97-01-081		MISC 97-17-075
	PROP 97-02-098		MISC 97-20-137
	PERM 97-05-054	noxious weed list	PROP 97-01-044
Asparagus commission			PERM 97-06-108
meetings	MISC 97-01-050		PREP 97-12-019
	MISC 97-03-111		PROP 97-20-138
	MISC 97-19-023	schedule of penalties	PROP 97-01-044
Barley commission			PERM 97-06-108
meetings	MISC 97-01-120		PREP 97-12-019
	MISC 97-15-104		PROP 97-20-138
Beef commission		yellow nutsedge quarantine	EMER 97-17-048
meetings	MISC 97-03-072		PREP 97-17-094
	MISC 97-09-005		PROP 97-21-134
Canola and rapeseed commission		Organic food	
establishment	PROP 97-11-084	dairy products	
	PROP 97-17-063	standards	PREP 97-04-065
	PROP 97-19-002		PROP 97-20-078
Cattle		handler certification	PREP 97-15-029
brucellosis vaccine	PERM 97-01-067	meat products	
Dry peas		standards	PREP 97-04-065
assessments	PREP 97-08-083		PROP 97-20-078
	PROP 97-11-085	processor certification	PREP 97-15-028
	PROP 97-15-151	producer certification	PERM 97-02-008
Fairs			PREP 97-16-066
state fair fund allocation	PROP 97-01-080		PROP 97-20-077
	PROP 97-04-077	Pesticide registration, commission on	
	PERM 97-04-078	meetings	MISC 97-01-060
	PROP 97-09-025		MISC 97-06-004
	PERM 97-12-028	Pesticides	
Farmed salmon commission		application permits	PROP 97-02-094
assessments	PREP 97-10-098		PROP 97-06-003
	PROP 97-14-102	Potatoes	
	PROP 97-17-095	seed potato certification	PREP 97-01-125
	PERM 97-21-110		PROP 97-07-075
membership	PREP 97-10-098	Quarantine	PERM 97-11-028
	PROP 97-14-102	apple maggot	PROP 97-04-089
	PROP 97-17-095		PERM 97-09-098
Food products		lentil seed	PROP 97-04-090
bacon packaging	EXRE 97-14-074		PROP 97-05-058
	PERM 97-18-041		PROP 97-05-059
quality standards, adoption of		plum curculio	PERM 97-11-015
federal regulations	PERM 97-02-036		PROP 97-04-089
violations, penalty assessments	PREP 97-13-066	yellow nutsedge	PERM 97-09-098
Food storage warehouses			EMER 97-17-048
independent sanitation consultants	PREP 97-16-009		PREP 97-17-094
Ginseng management program	EMER 97-04-020	Red raspberry commission	
	PROP 97-19-086	meetings	MISC 97-02-018
Hop commission		Rules agenda	MISC 97-16-033
assessments	PREP 97-05-067	Seeds	
	PROP 97-09-095	certification fees and standards	PROP 97-11-050
	PERM 97-17-096		PERM 97-16-026
	PREP 97-19-100		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

lentil seed quarantine	PROP 97-04-090	MISC 97-06-017
	PROP 97-05-058	MISC 97-09-006
	PROP 97-05-059	MISC 97-10-058
	PERM 97-11-015	MISC 97-12-013
Weights and measures		MISC 97-13-014
calibration services, fee schedule	PREP 97-05-037	MISC 97-17-086
	PROP 97-09-103	MISC 97-18-066
	PERM 97-12-024	MISC 97-21-018
equipment, compliance with national standards	PROP 97-09-102	
	PERM 97-12-076	
standards update	PREP 97-05-038	
	PROP 97-09-080	
	PERM 97-12-075	
	EXRE 97-14-049	
	PERM 97-18-040	
ARTS COMMISSION		
Meetings	MISC 97-03-040	
ATTORNEY GENERAL'S OFFICE		
Investigative study group meetings	MISC 97-17-085	
	MISC 97-19-034	
Notice of request for attorney general's opinion	MISC 97-02-061	
	MISC 97-05-063	
	MISC 97-06-099	
	MISC 97-07-047	
	MISC 97-10-056	
	MISC 97-14-009	
	MISC 97-14-039	
	MISC 97-16-100	
	MISC 97-19-046	
	MISC 97-21-122	
Opinions		
city elective offices, residency requirements (1997, No. 3)	MISC 97-12-007	
criminal history record, effect of completion of sentence conditions (1997, No. 1)	MISC 97-03-089	
governmental disposition of property (1997, No. 5)	MISC 97-21-079	
health, department of diet information records (1997, No. 2)	MISC 97-07-060	
information systems, department of schools and colleges public funds (1997, No. 4)	MISC 97-21-078	
state convention and trade center, bidding procedures (1996, No. 18)	MISC 97-01-052	
water rights system of exempt ground water withdrawals (1997, No. 6)	MISC 97-21-080	
water system interties, water right permit modification (1996, No. 19)	MISC 97-01-119	
Public records	PROP 97-21-123	
BATES TECHNICAL COLLEGE		
Meetings	MISC 97-20-075	
Parking and traffic regulation	PREP 97-01-084	
	PROP 97-07-002	
	PERM 97-12-038	
Student conduct code	PREP 97-01-083	
	PROP 97-07-003	
	PERM 97-20-081	
BELLEVUE COMMUNITY COLLEGE		
Meetings	MISC 97-01-121	
BELLINGHAM TECHNICAL COLLEGE		
Hazing policy	PROP 97-03-071	
	PERM 97-11-014	
Meetings	MISC 97-01-006	
	MISC 97-03-012	
	MISC 97-03-019	
	MISC 97-05-005	
		BENTON COUNTY CLEAN AIR AUTHORITY
		Meetings
		MISC 97-03-104
		BIG BEND COMMUNITY COLLEGE
		Meetings
		MISC 97-03-056
		BUILDING CODE COUNCIL
		Ammonia refrigerant discharge
		EMER 97-01-042
		PERM 97-01-135
		PROP 97-09-042
		Building code
		1997 edition
		PREP 97-05-065
		PROP 97-16-111
		Energy code
		personal wireless service facilities, insulation review and update
		PERM 97-03-017
		PREP 97-05-064
		PROP 97-16-110
		PROP 97-16-113
		PREP 97-05-065
		Fire code
		Mechanical code
		1997 edition
		PREP 97-05-065
		PROP 97-16-115
		Plumbing
		uniform plumbing code and plumbing code standards
		1997 edition
		PREP 97-06-107
		PROP 97-16-114
		PREP 97-14-112
		PROP 97-16-093
		PREP 97-14-112
		PROP 97-16-094
		PREP 97-03-086
		MISC 97-21-026
		MISC 97-16-109
		PREP 97-05-064
		PROP 97-16-112
		Policies and procedures
		Public records
		Refrigeration
		Review of rules
		Rules coordinator
		Ventilation and indoor air quality
		PREP 97-16-112
		CASCADIA COMMUNITY COLLEGE
		Meetings
		MISC 97-01-053
		CENTRAL WASHINGTON UNIVERSITY
		Meetings
		MISC 97-15-005
		MISC 97-21-090
		CENTRALIA COLLEGE
		Meetings
		MISC 97-01-071
		CLARK COLLEGE
		Adjudicative proceedings
		PROP 97-15-078
		PERM 97-19-078
		PREP 97-06-008
		PROP 97-10-018
		PERM 97-17-013
		MISC 97-02-042
		PREP 97-15-077
		PROP 97-19-077
		Meetings
		Parking and traffic
		Services withheld for outstanding debts
		PREP 97-15-076
		PROP 97-19-076
		CLOVER PARK TECHNICAL COLLEGE
		Rules coordinator
		MISC 97-01-038

Subject/Agency Index
(Citation in bold type refer to material in this issue)

CODE REVISER'S OFFICE

Quarterly reports
 96-19 through 96-24 - See Issue 97-02
 correction - see Issue 97-03
 97-01 through 97-06 - See Issue 97-08
 97-07 through 97-12 - See Issue 97-14
 97-13 through 97-18 - See Issue 97-20
 Rule-making requirements PROP 97-12-068
 PERM 97-15-035

COLUMBIA BASIN COLLEGE

Meetings MISC 97-02-020

COLUMBIA RIVER GORGE COMMISSION

Election signs PROP 97-15-019
 PERM 97-20-010
 Open space, review uses PROP 97-15-019
 PERM 97-20-010

**COMMUNITY AND TECHNICAL COLLEGES,
BOARD FOR**

Adult education advisory council
 meetings MISC 97-11-029
 Medical expense plans PREP 97-14-024
 EMER 97-14-070
 PROP 97-16-089
 PERM 97-20-030
 Meetings MISC 97-20-029
 MISC 97-20-096
 Review of rules **PREP 97-21-012**
 TIAA/CREF retirement plan EMER 97-01-007
 PREP 97-01-048
 PROP 97-01-077
 EMER 97-07-006
 EMER 97-07-007
 PERM 97-10-069

**COMMUNITY, TRADE AND ECONOMIC
DEVELOPMENT, DEPARTMENT OF**

Affordable housing advisory board
 public hearings MISC 97-05-077
 MISC 97-14-027
 Archeology and historic preservation
 public records **EXRE 97-20-038**
 EXRE 97-20-039
 Bond cap allocation PERM 97-02-093
 Border area funding allocation PREP 97-12-073
 PROP 97-15-107
 PERM 97-21-006
 Community economic revitalization board
 meetings MISC 97-04-027
 MISC 97-09-052
 MISC 97-11-007
 MISC 97-16-017
 MISC 97-20-076
 MISC **97-21-135**
 MISC **97-21-024**
 MISC 97-16-018
 review of rules
 rules coordinator
 Energy office
 Public Disclosure Act rules **EXRE 97-20-040**
 Head Start
 funding PREP 97-12-072
 PROP 97-15-106
 PERM 97-21-005
 Housing assistance
 local section 8
 payments program **EXRE 97-20-037**
 Land use study commission
 public records, accessibility PERM 97-02-002
 Low-income home energy assistance program
 hearing MISC 97-10-001
 Public records **EXRE 97-20-036**
 Public works board
 financial assistance, standards EMER 97-12-077
 PREP 97-13-004

meetings MISC 97-01-026
 MISC 97-11-005
 MISC 97-17-044
 MISC **97-21-024**
 review of rules MISC **97-21-024**
 Review of rules MISC **97-21-024**
 Washington heritage council EXRE 97-14-010
 PERM 97-19-018

CONSERVATION COMMISSION

Meetings MISC 97-10-002

CONVENTION AND TRADE CENTER

Meetings MISC 97-01-040
 MISC 97-03-057
 MISC 97-05-034
 MISC 97-06-089
 MISC 97-07-038
 MISC 97-08-049
 MISC 97-09-034
 MISC 97-11-026
 MISC 97-13-008
 MISC 97-13-012
 MISC 97-13-033
 MISC 97-14-021
 MISC 97-15-039
 MISC 97-17-053
 MISC 97-19-048
 MISC 97-20-082
 MISC **97-21-048**
 MISC **97-21-087**

CORRECTIONS, DEPARTMENT OF

Adult institutions
 contraband MISC 97-03-041
 earned early release time MISC 97-03-041
 infractions, penalties MISC 97-03-041
 personal hygiene items,
 acquisition MISC 97-03-041
 tobacco products MISC 97-03-041

COUNTY ROAD ADMINISTRATION BOARD

Meetings MISC 97-01-055
 MISC 97-06-015
 MISC 97-11-048
 MISC 97-12-002
 MISC 97-18-015
 MISC **97-21-085**
 Project prioritization in
 southeast region PERM 97-06-006
 Rural arterial program
 eligibility PROP 97-17-002
 Six-year transportation program,
 submittal date PROP 97-17-001

CRIMINAL JUSTICE TRAINING COMMISSION

Meetings MISC 97-03-060
 MISC 97-07-012

EASTERN WASHINGTON UNIVERSITY

Meetings MISC 97-01-008
 MISC 97-03-107
 MISC 97-06-009
 MISC 97-09-003
 MISC 97-11-047
 MISC 97-14-007
 MISC 97-15-103
 MISC 97-20-018
 MISC 97-20-023
 MISC **97-21-010**
 MISC **97-21-088**
 Student conduct code EMER 97-01-041
 PROP 97-01-078
 PERM 97-06-095

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

ECOLOGY, DEPARTMENT OF

Agricultural burning PROP 97-01-132

Air quality
emission units and insignificant activities EXRE 97-14-075
PERM **97-21-140**

environmental protection agency
request to agency withdrawn MISC 97-08-022
gasoline vapor recovery PERM 97-04-012
PREP 97-09-018
PROP **97-21-139**
PERM 97-03-021

grass field burning limitation PERM 97-03-021

new source review program for
equipment changes MISC 97-06-088
PROP 97-15-071
PROP 97-20-123
MISC 97-11-067
PREP 97-18-049

Thurston County maintenance plan

Biosolids management

Burning
open/outdoor **PREP 97-21-099**

Dangerous waste
designating dangerous waste
chemical test methods MISC 97-05-032
regulations update PREP 97-04-062
PROP 97-16-074

Dangerous waste management facilities
policy statement MISC 97-01-134

Environmental performance partnership
agreement MISC 97-12-083

Flood control
assistance account program
hearings for grant awards MISC 97-04-007

Forest practices to protect water quality EMER 97-05-039
PREP 97-08-038
EMER 97-13-036
PROP 97-15-130
EMER 97-16-038
EXRE **97-20-047**

Marine safety

Model Toxics Control Act
hazardous waste site cleanup PREP 97-10-092
local toxics control account EXRE 97-13-039
EXRE 97-13-041
PERM 97-18-043
PERM 97-18-046
PREP 97-04-062
EXRE 97-13-040
PERM 97-18-048

regulations update

Moderate risk waste grants

Permits
operating permit regulations, appeals PROP 97-04-061
PERM 97-08-084

Perchloroethylene dry cleaning systems **EXRE 97-20-046**
EXAD 97-21-039

Public participation grant guidelines MISC 97-20-122

Resource damage assessment committee
meetings MISC 97-01-133

Rules agenda MISC 97-16-049
MISC 97-17-034

Shorelands and wetlands associated
with shorelines, designation PROP 97-03-129
PERM 97-04-076

Solid waste
coordinated prevention grant guidelines MISC 97-19-072
interim remedial action grant guidelines MISC 97-19-071

State Environmental Policy Act (SEPA)
categorical exemptions PREP 97-03-130
comment period extended MISC 97-09-048
rules revised PROP 97-08-085
PROP 97-15-129
PERM **97-21-030**

Stormwater general permit
for construction activities MISC 97-18-077

Total petroleum hydrocarbons
policy statement MISC 97-05-031

Waste reduction and recycling
grants program EXRE 97-13-037
EXRE 97-13-038

solid waste management planning

Water
clean water funds, uses and limitations EMER 97-12-022
EXRE 97-13-043
PERM 97-17-082
EMER 97-20-049
PROP 97-20-050

Columbia River instream resources
protection program PREP 97-12-092

ground water management areas
Grant and Franklin counties MISC 97-14-085

surface water pollution control
comments accepted for lists MISC 97-09-055
MISC 97-17-084
PROP 97-12-034
MISC 97-15-001

water quality standards

wastewater discharge from water
treatment plants MISC 97-19-053
EXRE 97-14-076
PREP 97-14-084
MISC 97-17-083
PROP 97-20-048

Wastewater discharge permit fee

Water rights
application processing EMER 97-10-091
PREP 97-10-094
PREP 97-12-090
PREP 97-12-091
EMER 97-14-017
PROP 97-17-081
EMER **97-21-073**

Watersheds
planning grants PREP 97-13-074

Wells
construction and maintenance standards PREP 97-10-093
PROP 97-19-081
PREP 97-10-093
PROP 97-19-081

contractor and operator licensing

**ECONOMIC DEVELOPMENT FINANCE
AUTHORITY**

Meetings MISC 97-03-103

EDMONDS COMMUNITY COLLEGE

Meetings MISC 97-01-005
MISC 97-01-074
MISC 97-03-005
MISC 97-03-059
MISC 97-05-018
MISC 97-05-019
MISC 97-07-004
MISC 97-07-021
MISC 97-07-022
MISC 97-07-045
MISC 97-09-014
MISC 97-09-026
MISC 97-11-012
MISC 97-12-045
MISC 97-15-021
MISC 97-17-008
MISC 97-17-054
MISC 97-19-012
MISC 97-19-024
MISC **97-21-016**
MISC **97-21-017**
MISC **97-21-047**

**EDUCATION, STATE BOARD OF
Administrators**

Central purchasing PREP 97-10-015
PROP 97-20-146
PREP **97-21-115**

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Definitions			discipline orders	PROP	97-01-011
impact on student learning	PREP	97-10-006		PERM	97-05-008
	PROP	97-20-150		PROP	97-05-043
Early childhood education			performance-based preparation	PROP	97-01-100
subject area endorsement	PREP	97-04-069	programs, certification	PROP	97-01-102
Educational service districts	PREP	97-21-117		PERM	97-04-084
Educational staff associates			preparation programs	PERM	97-04-088
assignment	PREP	97-10-008		PROP	97-01-106
certification standards	PREP	97-10-015		PERM	97-04-081
	PROP	97-20-146		PREP	97-10-013
	PREP	97-21-111		PROP	97-20-143
Equivalency of standards			professional standards,		
Funding of schools	PREP	97-09-115	advisory councils	PREP	97-10-012
accounting practices	PROP	97-01-103		PROP	97-20-144
certificated staff requirements	PERM	97-04-083	standards	PREP	97-10-015
	PREP	97-10-014	student teaching pilot projects	PREP	97-05-026
state support	PROP	97-20-142		PROP	97-13-016
High school credit	PREP	97-01-010		PERM	97-16-024
	PROP	97-04-066	vocational certification	PROP	97-01-101
	PERM	97-08-020		PERM	97-04-085
High school transcript				PREP	97-10-016
standardized	PREP	97-21-113		PROP	97-14-105
Literacy				PROP	97-20-134
subject area endorsement	PREP	97-04-068		PROP	97-20-148
Meetings	MISC	97-21-074		PROP	97-01-099
Principal preparation programs			vocational-technical certification	PERM	97-04-087
internships	PREP	97-14-104		PREP	97-21-116
	PROP	97-20-149	Waivers for restructuring purposes	PREP	97-21-120
Preschool accreditation	PREP	97-21-112	Vocational education		
Property			Vocational-technical institutes		
central purchasing	PREP	97-17-065	modernization financing	PREP	97-09-116
real property sales contracts	PREP	97-17-066			
Pupils			EMPLOYMENT SECURITY DEPARTMENT		
uniform entry qualifications	PREP	97-21-118	Employers		
Purchases			predecessor and successor employers	PREP	97-16-012
central purchasing	PREP	97-17-065	reports, eliminate obsolete	PREP	97-21-131
Real property sales contracts	PREP	97-21-114	voluntary audits	PREP	97-16-011
Rules coordinator	MISC	97-15-048	Rules agenda	MISC	97-16-047
School activities' driver's authorization	PROP	97-01-082	Unemployment benefits		
School psychologists			claims, filing	EXAD	97-19-087
internship	PREP	97-10-007	dislocated forest products and fishing		
	PROP	97-20-133	workers	EMER	97-15-022
Schools for the twenty-first century	PREP	97-05-027		PREP	97-16-010
	PROP	97-13-017		MISC	97-18-037
	PERM	97-16-023	pregnant claimants	PREP	97-11-086
	PREP	97-21-119	Voluntary quit	PREP	97-21-130
Secondary education			ENERGY FACILITY SITE EVALUATION COUNCIL		
Small school plants			Adjudicative proceedings	EXAD	97-19-059
designation procedures	PREP	97-09-032		EXAD	97-19-062
	PROP	97-13-096	Definitions	EXAD	97-19-057
	PROP	97-14-023	Enforcement actions	EXAD	97-19-058
	PROP	97-16-071	Meetings	MISC	97-21-086
	PERM	97-21-069		MISC	97-21-109
Students			Organization and operation	EXAD	97-19-056
due process rights	PREP	97-01-046		EXAD	97-19-061
	PROP	97-04-067	Review of rules	MISC	97-21-025
	PERM	97-08-019	State Environmental Policy Act (SEPA)		
suspensions	PERM	97-01-047	compliance	EXAD	97-19-060
Teachers			ENGINEERS AND LAND SURVEYORS		
certification			(See DEPARTMENT OF LICENSING)		
administrative policies and procedures	PROP	97-01-105	ENVIRONMENTAL HEARINGS OFFICE		
	PERM	97-04-082	Appeals		
lapsed certificates	PREP	97-10-025	computation of appeal period time	EMER	97-12-003
	PROP	97-16-092		EMER	97-12-004
	PERM	97-21-075		PROP	97-15-056
limited certificates	PREP	97-10-009		PROP	97-15-057
	PROP	97-20-145		PERM	97-19-063
standards	PREP	97-10-015		PERM	97-19-064
	PROP	97-12-146			
continuing education	PROP	97-01-104	EVERETT COMMUNITY COLLEGE		
	PERM	97-04-086	Disclosure of student information	PREP	97-08-080
	PREP	97-10-011		PROP	97-11-068
	PROP	97-20-135			
excellence in teacher preparation award	PREP	97-10-010			
	PROP	97-20-136			
misconduct, investigation and					

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Meetings	MISC	97-01-072		EXRE	97-13-041
Offices				PERM	97-18-043
address and title clarification	PREP	97-08-081		PERM	97-18-046
	PROP	97-11-069	moderate risk waste grants	EXRE	97-13-040
EVERGREEN STATE COLLEGE, THE				PERM	97-18-048
Environmental Policy Act	PREP	97-05-044	perchloroethylene dry cleaning systems	EXRE	97-20-046
	PROP	97-09-084	solid waste management planning	EXRE	97-13-042
	PERM	97-13-047	waste reduction and recycling grants program	PERM	97-18-047
Faculty				EXRE	97-13-037
mid-contract termination, procedures	PREP	97-05-044		EXRE	97-13-038
	PROP	97-09-084		PERM	97-18-044
	PERM	97-13-047		PERM	97-18-045
Meetings	MISC	97-07-025	wastewater discharge permit fee water	EXRE	97-14-076
Organization			clean water funds, uses and limitations	EXRE	97-13-043
revision	PREP	97-05-044		PERM	97-17-082
	PROP	97-09-084			
	PERM	97-13-047			
Parking	PREP	97-05-044	Financial institutions, department of entry of orders	EXRE	97-20-027
	PROP	97-09-084	investment company securities	EXRE	97-20-073
Public records	PREP	97-05-044	Financial management, office of claim payments		
	PROP	97-09-084	General administration, department of late payments to contractors	EXRE	97-20-059
	PERM	97-13-047	printing and duplicating committee	EXRE	97-20-110
Tuition and fees	PREP	97-05-044	SEPA rules	EXRE	97-21-001
	PROP	97-09-084	solicitation of bids	EXRE	97-20-111
	PERM	97-13-047	Health, department of chiropractic quality assurance commission	EXRE	97-21-002
EXECUTIVE ETHICS BOARD				EXRE	97-14-058
Administrative procedures	PREP	97-15-041		PERM	97-20-163
advisory opinions	PROP	97-20-098			
compensation	PROP	97-20-099			
Ethical standards			criminal history, disclosure and background inquiries	EXRE	97-20-156
civil penalties for violations	PROP	97-03-133	denturist licensure		
	PERM	97-07-058	training course approval	EXRE	97-20-158
Meetings	MISC	97-07-057	health and sanitation	EXRE	97-14-056
	MISC	97-09-100		EXRE	97-14-057
Personal use of state computers	PREP	97-13-006	hearing and speech program	PERM	97-20-100
	PROP	97-21-076		PERM	97-20-101
				EXRE	97-14-059
				EXRE	97-14-060
				PERM	97-20-102
				PERM	97-20-104
			paternity acknowledgment	EXRE	97-20-157
			pharmacy, board of	EXRE	97-14-062
				EXRE	97-14-064
				EXRE	97-14-065
				EXRE	97-14-066
				EXRE	97-14-069
				PERM	97-20-164
				PERM	97-20-165
				PERM	97-20-166
				PERM	97-20-167
				PERM	97-20-168
			physical therapy, board of	EXRE	97-14-067
				PERM	97-20-103
			physician assistant disciplinary actions	EXRE	97-20-160
			Uniform Disciplinary Act	EXRE	97-14-061
			Higher education coordinating board council for postsecondary education bylaws	EXRE	97-20-089
			Educational Services Registration Act administration of	EXRE	97-20-092
			higher education facilities construction receipt and processing of applications for federal grants	EXRE	97-20-091
			higher education instructional equipment receipt and processing of applications for federal grants	EXRE	97-20-090
			Labor and industries, department of appeals	EXRE	97-13-034
				PERM	97-17-064
EXPEDITED REPEAL					
Agriculture, department of animals					
dead animals, offal, and meat scraps, transportation and disposal	EXRE	97-14-048			
	PERM	97-18-042			
mink importation	EXRE	97-14-048			
	PERM	97-18-042			
semen	EXRE	97-14-048			
	PERM	97-18-042			
bacon packaging	EXRE	97-14-074			
	PERM	97-18-041			
weights and measures standards	EXRE	97-14-049			
	PERM	97-18-040			
Community, trade and economic development, department of archeology and historic preservation					
public records	EXRE	97-20-038			
	EXRE	97-20-039			
energy office					
Public Disclosure Act rules	EXRE	97-20-040			
housing assistance					
local section 8 payments program	EXRE	97-20-037			
public records	EXRE	97-20-040			
Washington heritage council	EXRE	97-14-010			
	PERM	97-19-018			
Ecology, department of air quality					
emission units and insignificant activities	EXRE	97-14-075			
	PERM	97-21-140			
marine safety	EXRE	97-20-047			
Model Toxics Control Act					
local toxics control account	EXRE	97-13-039			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Licensing, department of		dishonest and unethical practices	PREP	97-08-059
certificate of title			PREP	97-08-060
dealer-to-dealer transfer	EXRE	"holding out" provisions	PREP	97-08-058
cosmetology	97-13-026		PROP	97-13-076
	PERM		PERM	97-16-050
motor vehicle fuels, taxation	EXRE	sales of securities on premise of		
	97-13-026	financial institutions	PREP	97-08-055
motor vehicle impound	PERM	Loan origination services		
	97-13-026	computerized systems	PERM	97-01-003
	PERM	Mortgage brokerage commission		
Lottery commission		licensing	PREP	97-16-027
instant games	EXRE	meetings	MISC	97-03-061
	97-14-010	National Securities Markets Improvement Act	PREP	97-08-057
	PERM	North American securities administrators		
Pollution liability insurance agency		association world class foreign		
insurance eligibility		issuer exemption	PREP	97-08-056
assessment reimbursement	EXRE		PROP	97-13-077
	97-19-054		PERM	97-16-051
Renton Technical College				
board meetings	EXRE			
	97-19-067			
Retirement Systems, department of		Securities		
obsolete rules	EXRE	interpretive statement	MISC	97-08-054
	97-20-028	investment company	EXRE	97-20-073
Revenue, department of		offer and sale to certain investors	PROP	97-08-061
conveyances, tax on	EXRE		PERM	97-16-121
	97-14-042		MISC	97-08-054
	PERM		MISC	97-20-044
excise tax				
articles manufactured and installed	EXRE			
mobile homes and mobile home park fees	EXRE			
property tax	EXRE			
	97-21-003			
	97-21-003			
	97-14-043			
	PERM			
	97-21-004			
Social and health services, department of		FINANCIAL MANAGEMENT, OFFICE OF		
mental health institutions		Claim payments	EXRE	97-20-059
repeal of obsolete sections	EXRE	Paydates for 1998	PREP	97-06-093
	97-14-071		PROP	97-10-079
	PERM		PERM	97-13-064
Southwest air pollution control authority				
operating permits	EXRE	FISH AND WILDLIFE, DEPARTMENT OF		
	97-13-027	Aquaculture disease control	PROP	97-01-098
	PERM		PROP	97-01-113
	97-21-050		PERM	97-08-078
Volunteer firefighters, board for		Fish and wildlife commission		
emergency medical service district fees	EXRE	meetings	MISC	97-02-017
	97-13-046	<u>Fishing, commercial</u>		
	PERM	coastal bottomfish		
	97-18-001	catch limits	EMER	97-01-128
Washington state patrol			EMER	97-10-021
motor vehicles			EMER	97-14-054
quartz halogen headlamps	EXRE		EMER	97-17-018
	97-14-040		EMER	97-18-005
	PERM		EMER	97-20-116
measuring sound levels	EXRE		EMER	97-21-067
tires	97-14-041		PREP	97-19-094
	PERM			
	97-17-061			
Washington state university		conservation		
contract award procedure	EXRE	Puget Sound bottomfish		
	97-14-038	take reduction	PERM	97-07-053
	PERM	crab fishery	EMER	97-01-032
	97-20-020		PROP	97-01-127
			EMER	97-02-060
			EMER	97-05-029
			EMER	97-06-054
			PERM	97-08-052
			PROP	97-14-080
			EMER	97-20-068
FAMILY AND CHILDREN'S OMBUDSMAN, OFFICE OF				
Organization and operation	EMER			
	97-13-061			
	PROP			
	97-15-145			
	PERM			
	97-21-066			
FAMILY POLICY COUNCIL				
Meetings	MISC			
	97-05-055			
FINANCIAL INSTITUTIONS, DEPARTMENT OF				
Brokers, dealers and salespersons		herring		
federal law compliance	PERM	areas and seasons	EMER	97-14-086
Certified Investment Management Act	PREP	licenses	PREP	97-14-051
	97-03-122	licenses	PREP	97-19-093
	PROP	salmon		
	97-13-076	Atlantic salmon catch	EMER	97-15-108
Check cashers and sellers licenses	PROP	Columbia River above Bonneville	EMER	97-17-073
fees	97-06-092		EMER	97-18-060
	PERM		EMER	97-19-028
	97-09-035		EMER	97-19-085
Credit unions		Columbia River below Bonneville	EMER	97-16-075
fees	EXAD		EMER	97-17-074
nonpreferential loans	97-19-006		EMER	97-18-013
Title 419 WAC	PROP		EMER	97-20-035
Entry of orders	97-03-074		EMER	97-21-014
Escrow agents	EXRE		EMER	97-21-068
interest-bearing trust accounts, use	97-20-027		EMER	97-21-083
Escrow commission	PROP			
meetings	97-04-071			
	MISC			
	97-03-061			
	MISC			
	97-11-024			
Investment advisers and representatives				

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

commercial troll	EMER 97-10-029		EMER 97-15-024
Grays Harbor fishery	PREP 97-06-129		EMER 97-15-054
	PROP 97-09-097		EMER 97-15-081
	PERM 97-15-148		EMER 97-17-017
	EMER 97-16-058		EMER 97-18-053
	EMER 97-19-039	seasons and gear	PROP 97-01-127
	EMER 97-19-080	smelt	
	EMER 97-20-034	areas and seasons	EMER 97-04-014
Puget Sound net fishery	PREP 97-06-083		EMER 97-05-041
	PREP 97-06-128	sturgeon	
	PROP 97-09-040	areas and seasons	EMER 97-03-002
	PROP 97-09-096		EMER 97-04-013
	PROP 97-09-104		EMER 97-04-046
	EMER 97-15-006		EMER 97-05-042
	EMER 97-15-026		EMER 97-07-044
	EMER 97-15-095		EMER 97-09-009
	EMER 97-16-003		EMER 97-14-020
	PERM 97-16-030		EMER 97-16-075
	EMER 97-16-031	lead line weight	PROP 97-04-080
	PERM 97-16-032		PERM 97-07-043
	EMER 97-16-068	size requirement	PROP 97-04-080
	EMER 97-17-003		PERM 97-07-043
	EMER 97-17-019	<u>Fishing, personal use</u>	
	EMER 97-17-032	crab	EMER 97-12-037
	EMER 97-17-057	crawfish	
	EMER 97-18-012	areas and seasons	EMER 97-05-011
	EMER 97-18-018	food fish	
	EMER 97-18-059	areas and seasons	EMER 97-03-001
	EMER 97-19-003		EMER 97-10-043
	EMER 97-19-016	limits	EMER 97-01-034
	EMER 97-19-040	game fish seasons and catch limits	
	EMER 97-19-052	Chehalis River	EMER 97-09-068
	EMER 97-20-022	Chewuch River	EMER 97-20-011
	EMER 97-20-069	Chiwawa River	EMER 97-20-011
	EMER 97-21-084	Clearwater River	EMER 97-09-068
sale of eggs and carcasses by		Coffee Pot Lake	EMER 97-18-002
volunteer groups	PERM 97-01-086	Columbia River	EMER 97-06-034
	PROP 97-14-078		EMER 97-06-036
	PREP 97-19-091		EMER 97-09-008
Willapa Bay fishery	PREP 97-06-129	Cowlitz River	EMER 97-20-011
	PROP 97-09-097		EMER 97-06-034
	PERM 97-15-148		EMER 97-06-036
	EMER 97-16-058	Dungeness River	EMER 97-09-068
	EMER 97-18-067	Entiat River	EMER 97-20-011
	EMER 97-21-007	Gray Wolf River	EMER 97-09-068
sea cucumbers		Green River	EMER 97-12-035
areas and seasons	EMER 97-14-028	Hoh River	EMER 97-09-068
	EMER 97-15-023		EMER 97-17-005
	EMER 97-15-117	hook rules	EMER 97-14-052
	EMER 97-16-016	Icicle Creek	EMER 97-08-047
	EMER 97-16-069		EMER 97-09-008
sea urchins			EMER 97-20-011
areas and seasons	EMER 97-01-002	Kalama River	EMER 97-06-036
	EMER 97-01-130		EMER 97-20-011
	EMER 97-02-059	Klickitat River	EMER 97-20-012
	EMER 97-03-045		EMER 97-08-047
	EMER 97-03-101		EMER 97-09-001
	EMER 97-04-011	Lewis River	EMER 97-06-034
	EMER 97-04-049		EMER 97-09-008
	EMER 97-05-025		EMER 97-12-035
shad			EMER 97-20-011
areas and season	EMER 97-11-045	Little White Salmon River	EMER 97-08-047
shellfish		Methow River	EMER 97-20-011
conservation	PREP 97-19-094	Nason Creek	EMER 97-20-011
razor clams	EMER 97-07-050	Okanogan River	EMER 97-20-011
shrimp		Queets River	EMER 97-09-068
coastal spot prawn fishery	PREP 97-06-130	Quillayute River	EMER 97-09-068
emerging commercial fishery	PREP 97-04-079	regional exceptions	EMER 97-01-129
	EMER 97-09-044		EMER 97-06-034
	EMER 97-09-067	Scootney Reservoir	EMER 97-21-038
	EMER 97-10-044	Similkameen River	EMER 97-20-011
	EMER 97-10-081	Sol Duc River	EMER 97-09-068
	EMER 97-11-030	Tolt River	EMER 97-20-013
	EMER 97-11-046	Toutle River	EMER 97-12-035
	EMER 97-13-056	Twist River	EMER 97-20-011

Subject/Agency Index

(Citation in bold type refer to material in this issue)

Wenatchee River	EMER	97-20-011	EMER	97-03-099
White River	EMER	97-20-011	EMER	97-03-100
Wind River	EMER	97-08-047	EMER	97-04-001
	EMER	97-18-054	EMER	97-07-056
halibut			sturgeon	
areas and seasons	EMER	97-11-031	areas and seasons	EMER
	EMER	97-11-061		EMER
	EMER	97-16-057		PROP
hook rules	EMER	97-14-052		EMER
lakes closure	PREP	97-13-024		EMER
	EMER	97-16-103		PERM
	PROP	97-16-104		EMER
	EMER	97-20-067		EMER
licenses	PREP	97-14-051		EMER
	PREP	97-19-093		PROP
salmon			<u>Fishing, subsistence</u>	EMER
areas and seasons	EMER	97-08-048	Columbia River tributaries	EMER
	EMER	97-09-068		EMER
	EMER	97-14-052		EMER
	EMER	97-15-119		EMER
	EMER	97-16-002		EMER
	EMER	97-16-067		EMER
	EMER	97-17-012		EMER
	EMER	97-17-028		EMER
	EMER	97-17-031		EMER
	PROP	97-17-105		EMER
	EMER	97-18-055		EMER
	EMER	97-19-004		EMER
	EMER	97-20-004	<u>Hunting</u>	
	EMER	97-20-005	auctions	PREP
	EMER	97-20-070		PREP
	PERM	97-20-071	bear	PROP
Atlantic salmon catch	EMER	97-15-108		PROP
limits	EMER	97-15-080		PERM
	EMER	97-16-002		PERM
	EMER	97-17-012		PERM
	EMER	97-18-055	big game auction permits	PROP
	EMER	97-19-004		PROP
	EMER	97-20-070		PROP
			Canada goose	PERM
Pacific Fisheries Management Council				PREP
recommendations adopted	PREP	97-09-085		EMER
	PROP	97-15-147		EMER
	PERM	97-18-035		EMER
shad			cougar	PROP
areas and seasons	EMER	97-06-036		PROP
shellfish			deer	PERM
areas and seasons				PERM
native clams	EMER	97-02-070		PERM
	EMER	97-12-009		PERM
	EMER	97-17-006		PERM
oysters	EMER	97-18-061		PERM
razor clams	EMER	97-04-045		PERM
	EMER	97-07-051		PERM
	EMER	97-21-023	elk	PERM
	EMER	97-10-065		PERM
limits				PROP
shrimp				PROP
areas and seasons	EMER	97-09-033		PROP
	EMER	97-10-070		PROP
	EMER	97-11-011		PERM
	EMER	97-12-037		PERM
	EMER	97-17-011		PERM
smelt			falconry regulations	PERM
areas and seasons	EMER	97-06-035	firearms restrictions	PROP
sport fishing rules	PROP	97-05-075	game management units	PROP
	PROP	97-07-052	special game area	
	PERM	97-07-076	boundary descriptions	
	PERM	97-07-078	bighorn sheep units	PERM
	PERM	97-08-017	bow and arrow descriptions	PERM
	PERM	97-09-066	cougar area descriptions	PROP
	PROP	97-10-074	deer area descriptions	PROP
	PROP	97-10-075	elk area descriptions	PERM
	PREP	97-19-092	goat units	PERM
steelhead			moose units	PERM
areas and seasons	EMER	97-02-092	muzzleloader area descriptions	PERM
	EMER	97-03-039		PERM

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

private lands	PERM 97-06-055	Trapping	PROP 97-14-092
	PROP 97-06-127		PROP 97-14-099
	PREP 97-10-028		EMER 97-17-027
	PERM 97-12-060		PROP 97-18-029
	PROP 97-14-089		PREP 97-19-027
	PREP 97-19-027	Wildlife	
Region one	PERM 97-06-050	dogs harassing deer or elk,	
Region two	PERM 97-06-049	custody or destruction	EMER 97-01-033
Region three	PERM 97-06-048		EMER 97-02-016
Region four	PERM 97-06-044	protected and endangered species	PROP 97-14-090
Region five	PERM 97-06-043		PERM 97-18-019
Region six	PERM 97-06-041		PREP 97-19-027
game reserves	PROP 97-14-094	wildlife rehabilitation permits	PREP 97-19-027
	PERM 97-18-025		
	PREP 97-19-027	FOREST PRACTICES BOARD	
goat	PROP 97-06-120	Marbled murrelet	
	PERM 97-12-053	critical wildlife habitat	EMER 97-02-087
hunting hours and small game regulations	PERM 97-06-045		PROP 97-08-077
	PREP 97-10-028		PROP 97-09-041
	PROP 97-14-092		EMER 97-10-005
	PROP 97-14-095		PROP 97-11-074
	PROP 97-14-096	Meetings	PERM 97-15-105
	PERM 97-18-021		MISC 97-05-073
	PERM 97-18-027	Rules agenda	MISC 97-11-073
	PROP 97-18-029	Rules corrections and clarifications	MISC 97-16-065
	PREP 97-19-027	Water quality	EXAD 97-19-101
landowner damage hunts	PROP 97-01-114		PREP 97-05-033
	PERM 97-05-074		PROP 97-15-042
	PROP 97-05-075		PROP 97-20-107
	PREP 97-10-028	Water typing system	EMER 97-07-054
	PREP 97-19-027		EMER 97-15-070
licenses	PREP 97-09-086	GAMBLING COMMISSION	
	PROP 97-17-071	Amusement games	
	PREP 97-19-093	operation	PROP 97-03-093
migratory game birds	PREP 97-10-028		PERM 97-09-073
	PREP 97-19-027		PERM 97-11-021
migratory waterfowl	PROP 97-14-097		PROP 97-16-099
	PERM 97-18-022	Bingo	
moose	PROP 97-06-118	equipment	PERM 97-05-056
	PERM 97-12-051		PROP 97-15-093
permit hunts	PERM 97-06-039		PERM 97-19-079
raffle permits	PROP 97-01-116	gift certificates	PROP 97-03-092
	PERM 97-06-037		PERM 97-09-072
	PROP 97-06-126	keno bingo	PERM 97-05-061
	PREP 97-10-028	net income requirements	PROP 97-09-074
	PERM 97-12-059		PROP 97-09-076
	PREP 97-19-027		PERM 97-14-013
regulations and boundaries	PREP 97-01-111	operating standards	
	PREP 97-19-027	proposal withdrawn	PROP 97-08-071
sheep	PROP 97-06-119	recordkeeping and accounting	PREP 97-20-042
	PERM 97-12-052	Business practices	
special closures	PERM 97-06-052	interest in separate business	PREP 97-21-100
special hunts	PROP 97-01-117	Card games	PREP 97-12-021
	PERM 97-06-038		PROP 97-18-030
	PERM 97-06-051		PERM 97-21-043
	PROP 97-06-121	Card rooms	PREP 97-20-043
	PERM 97-12-054		PROP 97-21-102
transport tags for black bear and cougar	PREP 97-11-070	Licenses	
	PROP 97-14-091	fees	PREP 97-18-003
	PREP 97-10-028		PROP 97-19-082
waterfowl, coot, and snipe	PROP 97-14-089	Manufacturers and distributors	PREP 97-05-015
	PROP 97-14-093		PROP 97-09-075
	EMER 97-17-029		PROP 97-11-017
	PERM 97-18-023		PROP 97-11-018
	PERM 97-18-026	Meetings	PERM 97-20-026
Noxious weed control	PREP 97-01-112	Nonprofit/charitable organizations	PERM 97-03-094
	PROP 97-07-077	gambling operations	PREP 97-04-033
	PERM 97-13-001	Public disclosure	PREP 97-05-014
Pelt sealing	PROP 97-06-084	Pull tabs	
Protected species	PREP 97-01-111	flares	PROP 97-14-014
	PROP 97-06-115	prizes, valuation	PREP 97-19-084
	PERM 97-12-048		PROP 97-21-101
	PROP 97-14-090		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

progressive pull tabs	PROP 97-05-057		MISC 97-08-006
	EMER 97-05-062		MISC 97-08-028
	PROP 97-09-074	Gambling commission rule, appeal	MISC 97-20-031
	PROP 97-09-075	Klickitat County storm damage,	
	PROP 97-09-077	state of emergency declared	MISC 97-01-110
	PROP 97-11-018	Pend Oreille County flooding, state	
	PERM 97-11-019	of emergency declared	MISC 97-12-008
	PERM 97-14-012	Pend Oreille County storm damage,	
	PERM 97-14-015	state of emergency declared	MISC 97-01-009
	PROP 97-15-092	Project labor agreements	MISC 97-01-025
	PERM 97-19-083	Regulatory improvement	MISC 97-08-027
	PERM 97-20-026	Transportation, department of,	
	PROP 97-08-071	rule appeal	MISC 97-20-147
proposal withdrawn	PREP 97-12-020	Warrant checks	MISC 97-19-037
taxation			
Punchboards	PREP 97-19-084	GRAYS HARBOR COLLEGE	
prizes, valuation	PROP 97-05-060	Meetings	MISC 97-04-044
Raffles	PERM 97-11-020	Student conduct code	PREP 97-19-010
	PROP 97-13-059		
	PREP 97-17-030	GREEN RIVER COMMUNITY COLLEGE	
	PROP 97-20-041	Meetings	MISC 97-03-011
	PREP 97-05-013		
Sale of business		GROWTH MANAGEMENT HEARINGS BOARDS	
Seizure of gambling devices	PERM 97-03-095	Meetings	MISC 97-19-066
hearing	PREP 97-15-052	Practice and procedure	PROP 97-01-066
Services suppliers	PROP 97-18-031		PERM 97-04-008
			PROP 97-04-009
			PREP 97-16-044
GENERAL ADMINISTRATION, DEPARTMENT OF			
Capitol campus design advisory committee		HEALTH CARE AUTHORITY	
meetings	MISC 97-03-030	Appeals	PROP 97-17-109
	MISC 97-08-070		PERM 97-21-128
	MISC 97-08-087	Basic health plan	
	MISC 97-20-017	eligibility	EMER 97-06-070
Capitol committee		enrollment	PREP 97-18-033
meetings	MISC 97-20-016		EMER 97-06-069
	MISC 97-21-049		PERM 97-08-067
Contractors		Organ transplant programs	EMER 97-14-029
late payments	EXRE 97-20-110		PERM 97-15-003
Handguns		Public employees benefits board	PREP 97-18-033
purchase by Washington state patrol		eligibility	PROP 97-17-108
retirees	PERM 97-04-025	group coverage	PERM 97-21-129
Monuments and memorials in capitol region		meetings	
design and approval process	PREP 97-10-087	Public records, accessibility	MISC 97-08-066
	PROP 97-21-124	Regulatory improvement initiative	PROP 97-17-110
Printing and duplicating committee	EXRE 97-21-001	Retired and disabled state employees,	PERM 97-21-126
SEPA rules	EXRE 97-20-111	eligibility	PROP 97-21-127
Skating activities on capitol campus	PERM 97-01-063		EMER 97-06-071
Solicitation of bids	EXRE 97-21-002		EMER 97-14-031
			MISC 97-08-066
GEOGRAPHIC NAMES, BOARD ON			
Determinations of geographic names	MISC 97-02-062		PROP 97-17-107
			PERM 97-21-125
			MISC 97-16-108
GOVERNOR, OFFICE OF THE			
Access to government electronic records		Health care facilities authority	
for commercial purposes	MISC 97-03-091	Policy statements	MISC 97-02-099
Affirmative action policy committee			
meetings	MISC 97-01-028	HEALTH CARE POLICY BOARD	
Agency quality improvement	MISC 97-10-061	Meetings	MISC 97-03-088
Auto dealers association			MISC 97-07-039
denial of appeal	MISC 97-06-067		MISC 97-11-032
notice of appeal	MISC 97-04-034		
Clemency and pardons board		HEALTH, DEPARTMENT OF	
meetings	MISC 97-04-032	Acupuncture	
	MISC 97-10-078	education requirements	PREP 97-16-088
	MISC 97-20-032	Adjudicative clerk office	
Flood, snow, wind, power outages		changed from office of professional	
state of emergency declared	MISC 97-02-044	standards	PROP 97-08-092
	MISC 97-02-045		PERM 97-12-089
	MISC 97-02-091		PERM 97-13-015
	MISC 97-03-003		
	MISC 97-03-013		
	MISC 97-03-068		
	MISC 97-05-030		
	MISC 97-08-001		
	MISC 97-08-002		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Boarding homes			complaints, disposition	MISC	97-16-084
licensing fees	PREP	97-13-097		PREP	97-17-016
	PROP	97-17-111	complaints, policy and procedure	MISC	97-16-085
Cellular telephone and pager use				PREP	97-17-016
policy	MISC	97-03-078	continuing education reimbursement	MISC	97-11-035
Child (day) care regulations	PREP	97-09-054	credential verification	MISC	97-10-032
Chiropractic quality assurance commission			default of student loans	MISC	97-07-072
expedited repeal	EXRE	97-14-058	investigative materials	MISC	97-07-071
meetings	MISC	97-08-026	investigative mental and physical		
	MISC	97-11-034	examinations	MISC	97-06-020
Counselors			meetings	MISC	97-02-012
certification requirements	PROP	97-13-099	public disclosure	MISC	97-06-021
	PERM	97-17-113		MISC	97-16-086
	PROP	97-20-153	service of legal documents	MISC	97-15-027
Dental quality assurance commission			whistleblowers, confidentiality	MISC	97-16-083
case disposition guidelines	MISC	97-18-007	Hearing and speech, board of		
complaint threshold determination	MISC	97-18-009	hearing instrument fitters/dispensers		
dental assistants			apprenticeship program	PREP	97-04-040
scope of practice	MISC	97-16-076		PROP	97-12-086
facilities, definition	MISC	97-16-081		PERM	97-15-128
fluoride varnish application	MISC	97-16-078	housekeeping amendments	EXAD	97-19-099
lab tests	MISC	97-16-079	continuing education	PREP	97-15-097
meetings	MISC	97-05-017	meetings	MISC	97-03-020
notice of correction guidelines	MISC	97-18-008		MISC	97-04-015
orthodontic assistants				MISC	97-06-087
scope of practice	MISC	97-16-077		MISC	97-11-062
topical preventive agents	MISC	97-16-080		MISC	97-17-056
treatment guidelines and protocols	MISC	97-16-082		MISC	97-20-115
Denture technology, board of				MISC	97-21-032
denturist, definition	PREP	97-19-098	speech-language pathologists		
Dispensing optician examining committee			certification standards	MISC	97-04-037
meetings	MISC	97-12-066		MISC	97-04-038
Documents				MISC	97-04-039
rules for location changes	PROP	97-08-092		PERM	97-04-042
	PERM	97-12-089		PERM	97-04-043
	PERM	97-13-015		PREP	97-15-098
Emergency medical services	PREP	97-21-136	education requirements	PREP	97-08-024
Expedited repeal			examinations	PREP	97-08-023
adjudicative proceedings	EXRE	97-20-159	temporary practice	EXRE	97-14-060
chiropractic quality assurance commission	EXRE	97-14-058	trainees	EXRE	97-14-059
	PERM	97-20-163	HIV		
			occupational exposure notification	EMER	97-16-025
criminal history, disclosure and				PROP	97-17-112
background inquiries	EXRE	97-20-156	rules update	PREP	97-17-080
denturist licensure			spousal notification of test results		
training course approval	EXRE	97-20-158	Ryan White CARE Act	PROP	97-06-110
health and sanitation	EXRE	97-14-056		PERM	97-15-099
	EXRE	97-14-057		PERM	97-04-041
	PERM	97-20-100	testing procedures		
	PERM	97-20-101	Home health, home care, and hospice agencies		
	EXRE	97-14-059	licensing fees	PROP	97-11-087
	EXRE	97-14-060		PERM	97-15-096
	PERM	97-20-102	Hospice care centers	PERM	97-03-080
	PERM	97-20-104	Hospitals		
paternity acknowledgment	EXRE	97-20-157	nonprofit hospitals, sale	PREP	97-12-084
pharmacy, board of	EXRE	97-14-062		EMER	97-15-127
	EXRE	97-14-064		PROP	97-18-090
	EXRE	97-14-065		PREP	97-20-154
	EXRE	97-14-066		PERM	97-21-052
	EXRE	97-14-069	Medical records		
	PERM	97-20-164	fee for searching and duplicating	PROP	97-09-092
	PERM	97-20-165		PERM	97-12-087
	PERM	97-20-166	Medical test sites		
	PERM	97-20-167	interpretive guidelines	MISC	97-13-054
	PERM	97-20-168	licensure	PROP	97-11-039
physical therapy, board of	EXRE	97-14-067		PERM	97-14-113
	PERM	97-20-103	Nurses		
physician assistant			practical		
disciplinary actions	EXRE	97-20-160	fees	PROP	97-20-162
Uniform Disciplinary Act	EXRE	97-14-061	registered		
Health care entities			fees	PROP	97-20-162
fees	PERM	97-06-019	Nursing care quality assurance commission		
licenses	PERM	97-06-019	advanced registered nurse practitioner		
Health professions quality assurance			specialties	PREP	97-12-029
adjudicative proceedings	MISC	97-06-023			
	MISC	97-06-024			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

chapters 246-838 and 246-839 WAC combined into chapter 246-840 WAC	PROP 97-07-074 PROP 97-09-061 PROP 97-12-030 PERM 97-13-100 PERM 97-17-049 PROP 97-20-117 MISC 97-19-097 PREP 97-03-067 MISC 97-15-017 MISC 97-10-031	Radioactive waste management disposal of low-level waste	PERM 97-02-014 MISC 97-16-059
fluoride varnish application		Rules agenda	
interstate endorsement		Security of employees office policy	MISC 97-03-079
investigations, review		Sexual misconduct	PREP 97-15-002 PROP 97-20-161
IV training		Shellfish programs certificate fees	PROP 97-08-025 PERM 97-12-031
licensed practical nurses, scope of practice	MISC 97-19-096 PROP 97-08-093 MISC 97-15-014 PERM 97-17-015	commercial operators minimum performance standards office policy	PROP 97-21-138 MISC 97-03-077
licensure	MISC 97-09-062 MISC 97-15-018 MISC 97-11-036 PREP 97-15-002 PROP 97-20-161 PREP 97-03-066	Temporary worker housing showers	EMER 97-14-008 PREP 97-21-136
medication assistance		Trauma care	EXRE 97-14-061
nursing assistants, scope of duties		Uniform Disciplinary Act	
school nurses, delegation of duties		Veterinary board of governors fees	PREP 97-06-018
sexual misconduct		Water public water systems adequacy of supply standards violations and penalties system plans review and approval fees	
standards of practice		Whistleblowers health care insurance complaints	MISC 97-11-037 PREP 97-18-006 MISC 97-06-109
Nursing home administrators, board of adjudicative proceedings continuing education deficiencies meetings	MISC 97-10-030 MISC 97-13-053 MISC 97-01-109	WIC program administrative procedures	PROP 97-07-073 PERM 97-12-032
Optometry, board of continuing education	PROP 97-08-094 PERM 97-12-088 PREP 97-20-155 MISC 97-12-010 PREP 97-20-155	HIGHER EDUCATION COORDINATING BOARD Educational Services Registration Act administration of Higher education facilities construction receipt and processing of applications for federal grants Higher education instructional equipment receipt and processing of application for federal grants Meetings Postsecondary education, council for bylaws Rules coordinator Tuition recover trust fund account requirements	PERM 97-02-013 PROP 97-13-098 PERM 97-16-117
licensure meetings scope of practice			
Osteopathic medicine and surgery, board of complaints, review consultations disciplinary cases, closure investigations, review	MISC 97-15-015 MISC 97-15-013 MISC 97-15-012 MISC 97-15-016		
Pharmacy, board of assistant to pharmacist ratio dimethyl sulfoxide education ephedrine gelatin capsules health care entities, licensing and regulation	MISC 97-06-022 EXRE 97-14-066 EXRE 97-14-062 PREP 97-10-033 EXRE 97-14-064 PERM 97-02-015 MISC 97-04-036 PREP 97-11-038		
nursing home services			
pharmacy assistants practice public records access remifentanil (non-APA rule)	PREP 97-16-087 EXRE 97-14-065 MISC 97-09-063 MISC 97-21-054 EXRE 97-14-069 MISC 97-07-070		
sales tobacco free pharmacies			
Physical therapy, board of licenses meetings	EXRE 97-14-067 MISC 97-18-050		
Physicians and surgeons fees	PROP 97-12-085 PERM 97-15-100 PROP 97-15-126 PERM 97-21-053		
license revocation, review			
Professional standards, office of changed to adjudicative clerk office	PROP 97-08-092 PERM 97-12-089 PERM 97-13-015		
Psychology, examining board of case disposition guidelines	MISC 97-06-025		
Radiation machine facility registration fee	PROP 97-21-137		
Radiation protection uranium and thorium milling	PERM 97-13-055		
Radioactive materials licenses	PROP 97-03-126 PERM 97-08-095		
		HIGHER EDUCATION, JOINT CENTER FOR Meetings Riverpoint Higher Education Park campus parking and traffic regulations	MISC 97-01-073 PROP 97-09-043
		HIGHLINE COMMUNITY COLLEGE Meetings	MISC 97-01-023 MISC 97-09-056
		HISPANIC AFFAIRS, COMMISSION ON Meetings	MISC 97-01-076 MISC 97-04-016 MISC 97-11-056
		HORSE RACING COMMISSION Association officials and employees	PROP 97-04-060 PROP 97-17-043 PROP 97-21-092
		Jockeys apprentices and agents	PREP 97-04-059 PROP 97-21-093 PREP 97-04-058 PROP 97-21-094
		Parimutuel rules	
		HOUSING FINANCE COMMISSION Bond financing programs	MISC 97-06-113

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Commissioners and staff	PREP 97-06-112	Rules of conduct	EXAD 97-20-060
	PROP 97-09-090		
	PROP 97-09-091	JUDICIAL CONDUCT, COMMISSION ON	
	PROP 97-10-060	Ethical standards	PROP 97-02-006
	PROP 97-11-064		PROP 97-05-023
	PROP 97-11-065		PROP 97-09-057
	PERM 97-16-020		PERM 97-13-075
	PERM 97-16-021	Judges	
Debarring or disqualifying participants	PREP 97-07-068	procedural rules	PROP 97-05-022
	PROP 97-11-063		PERM 97-13-069
	PERM 97-16-019	Meetings	MISC 97-01-021
Low-income housing tax credit program	MISC 97-06-114		MISC 97-15-112
	PREP 97-14-025		
	PROP 97-17-078	LABOR AND INDUSTRIES, DEPARTMENT OF	
	PERM 97-20-086	Agriculture workers' housing	EMER 97-06-040
		Appeals	EXRE 97-13-034
			PERM 97-17-064
HUMAN RIGHTS COMMISSION		Boiler rules, board of	
Dog guides and service animals	PREP 97-21-057	boilers and unfired pressure vessels	PROP 97-11-004
			PROP 97-15-138
INSURANCE COMMISSIONER'S OFFICE			PERM 97-20-109
Alien insurance companies		Commercial coaches	PREP 97-21-141
credit for reinsurance	PROP 97-01-131	Contractors	
	PERM 97-05-012	registration	PREP 97-03-081
			PROP 97-16-090
Annuities		Electricians	
mortality table	PREP 97-20-141	journeyman certification of	
Automobile insurance		competency	PREP 97-02-095
personal injury protection (PIP)	PROP 97-01-059		PROP 97-15-143
	PROP 97-03-090		
	PROP 97-08-045	Elevator advisory board	
	PROP 97-11-010	meetings	MISC 97-02-039
	PERM 97-13-005	Elevators	
	MISC 97-02-028	fees	PREP 97-21-144
rating practices, hearing		Employee wearing apparel	PREP 97-18-078
Commercial line rates and forms		Factory-built housing	PROP 97-04-070
technical advisory	MISC 97-15-149		PREP 97-21-141
Health care services		Fees	PROP 97-03-132
benefits, standards for determining when			PERM 97-11-053
reasonable in relation to amount charged	PROP 97-01-136		PREP 97-21-143
	PROP 97-05-006		PREP 97-21-141
	PROP 97-08-046	Manufactured homes	
	PROP 97-11-001	Occupational health standards	
		asbestos exposure	PERM 97-01-079
contract forms and rate schedules,			PERM 97-19-014
filing	PREP 97-13-072	butadiene	PREP 97-05-047
	PROP 97-20-139		PROP 97-09-079
	PROP 97-21-151		PERM 97-19-014
contractors		inorganic arsenic and coke ovens emissions	EXAD 97-21-040
net worth	MISC 97-04-057	methylene chloride	PREP 97-09-078
maintenance organizations			PROP 97-13-063
net worth	MISC 97-04-057		PERM 97-18-062
Life insurance		respiratory protection	PREP 97-06-101
consumer buying guides	PREP 97-20-140		PROP 97-09-079
disclosure forms	PREP 97-20-140		PERM 97-19-014
tables for use of courts and appraisers	MISC 97-13-018		PREP 97-03-082
	MISC 97-13-031	Park trailers	PROP 97-09-039
	MISC 97-20-001		PREP 97-21-141
Long-term care insurance		Plumbers	
continuing education for agents	PROP 97-15-150	advisory board	
	PERM 97-19-007	meetings	MISC 97-21-121
Managed care plans		journeyman certification of competency	PROP 97-03-084
health care coordination of benefits	PREP 97-04-074		PERM 97-11-052
rules	PROP 97-08-044	Policy and interpretive statements	MISC 97-02-089
	PREP 97-16-048		MISC 97-04-021
	PROP 97-21-155		MISC 97-07-059
Practice and procedure for			MISC 97-11-042
contested matters	PROP 97-03-023		MISC 97-15-079
	PROP 97-03-120		MISC 97-20-033
	PROP 97-08-091	Recreational vehicles	PREP 97-03-082
	PROP 97-10-072		PROP 97-09-039
Rules agenda	MISC 97-18-088		PERM 97-16-043
			PREP 97-21-141
INTEREST RATES		Retail sales	
(See inside front cover)		overtime compensation for employees	PROP 97-03-073
		wearing apparel	PERM 97-01-124
INVESTMENT BOARD		Right to know	
Meetings	MISC 97-02-019		
Index			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

fee assessment	EXAD	97-21-042	LAND USE STUDY COMMISSION	
Rules agenda	MISC	97-15-144	(See COMMUNITY, TRADE AND ECONOMIC	
Rules review plan	MISC	97-19-042	DEVELOPMENT, DEPARTMENT OF)	
Safety and health standards			LICENSING, DEPARTMENT OF	
abrasive blasting, spray painting			Architects, board of registration for	
and dip tanks	PROP	97-09-079	adjudicative proceedings	MISC 97-03-065
	PROP	97-13-062		PERM 97-10-026
abrasive wheel machinery	EXAD	97-21-041	examinations	PERM 97-03-121
first aid	PROP	97-17-079		PERM 97-06-064
pesticides, worker protection	EMER	97-06-040	fees	PREP 97-08-069
	PROP	97-12-063		PROP 97-10-080
personal protective equipment	PROP	97-13-062		PERM 97-13-095
Safety standards			license	
agriculture	PROP	97-03-131	reciprocity	PERM 97-03-121
	EMER	97-04-048	renewal	PERM 97-06-064
	PERM	97-08-051A	Boxing and wrestling	PERM 97-01-035
	PROP	97-12-063		PREP 97-13-079
chapter 296-306A WAC recodified			Cemetery board	
as chapter 296-307 WAC	MISC	97-09-013	fees	PROP 97-20-058
construction	PROP	97-03-085	Cosmetology	EXRE 97-13-026
	PREP	97-10-095		PERM 97-17-062
	PERM	97-11-054	Engineers and land surveyors, board of	MISC 97-02-024
	PERM	97-11-055	administrative procedures	PREP 97-19-038
	PROP	97-16-091	certificates	
electrical installation	PREP	97-02-095	fees	PREP 97-18-039
	PROP	97-03-083	limited liability companies	PREP 97-18-039
	EMER	97-10-064	reissue of revoked certificate	MISC 97-08-065
	PERM	97-12-016	complaints	MISC 97-02-025
	PROP	97-14-111		MISC 97-15-045
	PREP	97-21-142		MISC 97-15-046
grain handling facilities	PROP	97-09-079	engineers	MISC 97-02-023
high voltage electrical	PREP	97-16-119	examination	MISC 97-02-021
	PROP	97-21-071		MISC 97-05-035
	PROP	97-21-147	exam branch change	MISC 97-08-063
logging operations	PREP	97-10-071	fees	PREP 97-18-038
material lifts	PROP	97-14-110	licenses	
mechanical power-transmission apparatus	PREP	97-11-051	requirements	PREP 97-03-029
	PROP	97-21-146	refunding money	MISC 97-08-064
Wages and hours			standing committees	
computer software professionals	PREP	97-18-079	organization and functions	MISC 97-05-036
	PROP	97-21-145	Funeral directors and embalmers, board of	
Water heater inspection			adjudicative proceedings	PROP 97-16-060
residential load control devices,				PERM 97-21-063
inspection fee	EMER	97-16-070	apprentice training	PROP 97-16-062
WISHA advisory committee	MISC	97-14-003		PERM 97-21-062
Workers' compensation			care of human remains	PROP 97-16-064
chiropractic services	PREP	97-02-096		PERM 97-21-061
	PROP	97-19-090	facility standards	PROP 97-16-063
classifications	PROP	97-01-122		PERM 97-21-060
	PERM	97-06-007	prearrangement funeral service trust	
	PROP	97-08-051	arrangements	PROP 97-16-061
	PERM	97-12-011		PERM 97-21-064
	PREP	97-15-142	Kickboxing and martial arts	PREP 97-13-079
definitions	PERM	97-02-090	Landscape architects	
drywall			registration	PROP 97-03-022
special rules	EMER	97-08-043		PERM 97-06-065
	PROP	97-08-051	Licenses and certification	
	PERM	97-12-011	suspension for default on student loans	PROP 97-07-026
hospital services payment	PERM	97-06-066		PROP 97-07-027
impairment rating examinations	PROP	97-01-123		PROP 97-07-028
	PERM	97-09-036		PROP 97-07-029
medical services payment system	PREP	97-02-096		PROP 97-07-030
	PREP	97-02-097		PROP 97-07-031
	PROP	97-05-076		PROP 97-07-032
	PERM	97-10-017		PROP 97-07-033
premium rates	EMER	97-02-026		PROP 97-07-034
	PREP	97-15-140		PROP 97-07-035
	PROP	97-19-095		PROP 97-09-022
reporting	PROP	97-01-122		PERM 97-10-026
	PREP	97-15-141		PERM 97-10-046
retrospective rating	PREP	97-15-139		PERM 97-10-047
	PROP	97-19-095		PERM 97-10-048
				PERM 97-10-049
				PERM 97-10-050
LAKE WASHINGTON TECHNICAL COLLEGE				
Meetings	MISC	97-01-022		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	PERM 97-10-051	requirements	PERM 97-02-004
	PERM 97-10-052		PROP 97-18-032
	PERM 97-10-053		PERM 97-21-077
	PERM 97-10-054	Real estate commission	
suspension for child support noncompliance	MISC 97-19-073	agency representation disclosure	PERM 97-01-027
Model traffic ordinance	PROP 97-07-015	licensing procedures	PREP 97-18-068
	PERM 97-10-068		PROP 97-21-051
	EMER 97-12-043	meetings	MISC 97-02-003
	PROP 97-12-044		MISC 97-10-059
	PERM 97-16-041	public records, availability	PREP 97-18-068
Motor vehicles		Rules agenda	MISC 97-16-040
certificates	PERM 97-03-076	Rules review plan	MISC 97-18-063
	PROP 97-09-002		MISC 97-21-070
	PROP 97-13-009	Security guards	
collectors' vehicles, licensing	PROP 97-01-030	administrative procedures	PROP 97-13-081
	PERM 97-07-014		PERM 97-17-050
confidential vehicle license plates	PREP 97-06-082	fees	PROP 97-13-081
dealer temporary permits	PREP 97-15-037		PERM 97-17-050
dealer-to-dealer transfer	EXRE 97-19-041	Snowmobiles	PREP 97-21-103
destroyed	PROP 97-03-096	Title and registration advisory committee	MISC 97-07-016
	PROP 97-08-005		MISC 97-16-022
	PERM 97-11-049	Unlicensed practice	MISC 97-02-022
disabled person parking	PERM 97-02-001	Vessels	
	PREP 97-20-057	confidential vessel registration	PREP 97-06-081
temporary placards	EXRE 97-19-041	registration and certificate of title	PREP 97-12-026
driver services division records	MISC 97-10-004		PROP 97-21-056
drivers' licenses			PREP 97-21-105
habitual traffic offenders	PREP 97-11-002	Whitewater river outfitters	PREP 97-14-088
fleet identifier codes	PROP 97-06-027		PROP 97-21-150
	PERM 97-10-003		
fuel taxes	EXRE 97-13-026	LIQUOR CONTROL BOARD	
	PERM 97-17-062	Operations and procedures	PREP 97-13-070
impound	EXRE 97-13-026	Samples of spirituous liquor	PREP 97-13-071
	PERM 97-17-062	Sports/entertainment facilities license	PREP 97-14-033
licenses	PREP 97-21-104		
license plates		LOTTERY COMMISSION	
issuance under same name	PREP 97-20-108	Affirmative action/equal employment	
registration		opportunity	MISC 97-03-106
change of ownership	PREP 97-20-108	Cruise of your life retailer promotion	MISC 97-03-106
special plates	PREP 97-12-067	Ethics	MISC 97-03-106
	PREP 97-20-108	Expedited repeal of instant games	EXRE 97-14-016
	PROP 97-21-055		PERM 97-20-051
staggered	PREP 97-20-108	Instant game number 184 - Instant	
veterans	PROP 97-03-028	Monopoly®	PERM 97-02-038
	PERM 97-07-013	Instant game number 185 - Double Blackjack	PERM 97-02-038
odometer disclosure statements	PROP 97-06-028	Instant game number 186 - Lucky Bug	PERM 97-02-038
	PROP 97-09-038	Instant game number 187 - \$2 Instant	
	PERM 97-14-034	Quinto	PROP 97-03-123
records			PERM 97-07-063
owner information, availability	PREP 97-11-066	Instant game number 188 - Strike It Rich	PROP 97-03-123
Motor vehicle excise tax	PROP 97-07-069		PERM 97-07-063
	PERM 97-12-015	Instant game number 189 - Lucky 7s	PROP 97-03-123
Motor vehicle fuel tax			PERM 97-07-063
marine fuel use	MISC 97-15-030	Instant game number 190 - Putt for Dough	PROP 97-03-123
public hearing	MISC 97-06-094		PERM 97-07-063
Off-road and nonhighway vehicles	PREP 97-21-103	Instant game number 191 - Cut the Deck	PROP 97-03-123
Parking companies, definition	PREP 97-11-066		PERM 97-07-063
	PROP 97-15-091	Instant game number 192	PROP 97-07-062
	PERM 97-19-015		PERM 97-11-003
Private investigators		Instant game number 193	PROP 97-07-062
administrative procedures	PROP 97-13-080		PERM 97-11-003
	PERM 97-17-051	Instant game number 194	PROP 97-07-062
fees	PROP 97-13-080		PERM 97-11-003
	PERM 97-17-051	Instant game number 195	PROP 97-07-062
Public records, availability	PROP 97-14-103		PERM 97-11-003
	PERM 97-17-009	Instant game number 196	PROP 97-11-058
Real estate appraisers			PERM 97-15-122
examination and reexamination fees	PREP 97-09-082	Instant game number 197	PROP 97-11-058
	PROP 97-13-030		PERM 97-15-122
	PERM 97-16-042	Instant game number 198	PROP 97-11-058
licensing and certification			PERM 97-15-122
fees	PREP 97-09-083	Instant game number 199	PROP 97-11-058
	PREP 97-11-059		PERM 97-15-122
	PROP 97-15-101	Instant game number 200	PROP 97-11-058
			PERM 97-15-122

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Instant game number 201	PROP 97-11-058	NATURAL RESOURCES, DEPARTMENT OF Burning permits, written fees	PROP 97-09-065	
Instant game number 202	PERM 97-15-122		PERM 97-12-033	
Instant game number 203	PROP 97-11-058		PROP 97-09-065	
Instant game number 204	PERM 97-15-122		PERM 97-12-033	
Instant game number 205	PROP 97-11-058		EMER 97-14-044	
Instant game number 206	PERM 97-15-122		PROP 97-02-029	
Instant game number 207	PROP 97-15-123		PERM 97-05-066	
Instant game number 208	PERM 97-20-052			
Instant game number 209	PROP 97-15-123		Forest fire advisory board meetings	MISC 97-05-050
Instant game number 210	PERM 97-20-052		Land corner record form	PERM 97-02-071
Instant game number 211	PROP 97-15-123		Natural resources, board of meetings	MISC 97-02-041
Instant game number 212	PERM 97-20-052			MISC 97-12-001
Instant game number 213	PROP 97-20-131		Natural heritage advisory council meetings	MISC 97-03-114
Instant game number 214	PROP 97-20-131			MISC 97-03-115
Instant game rules	PROP 97-20-131			MISC 97-03-116
	PREP 97-02-037			MISC 97-09-064
	PERM 97-04-047			MISC 97-21-033
	PROP 97-07-062			MISC 97-21-034
	PROP 97-15-123		Rules agenda	MISC 97-21-035
	PREP 97-20-053			MISC 97-21-036
Location services	PREP 97-07-061			MISC 97-16-107
Lotto	PERM 97-15-122		NORTHWEST AIR POLLUTION AUTHORITY	
	PREP 97-11-057		Regulation	PROP 97-03-112
	PROP 97-15-123			PERM 97-07-055
	PROP 97-16-116		OLYMPIC AIR POLLUTION CONTROL AUTHORITY	
	PERM 97-20-052		Potential to emit	PROP 97-06-079
	PROP 97-20-054		Solid fuel burning devices	PROP 97-09-101
	PROP 97-20-131			PERM 97-13-078
Meetings	MISC 97-20-055			
Nepotism	MISC 97-03-106		OLYMPIC COLLEGE	
On-line game rules	PREP 97-17-092		Meetings	MISC 97-01-024
Outside employment/business	MISC 97-03-106			
Personnel records access and retention	MISC 97-03-106		OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR	
Policies and procedures	MISC 97-09-004	Boating facilities	PROP 97-04-006	
	MISC 97-15-121		PERM 97-08-003	
Reasonable accommodations for persons of disability	MISC 97-03-106	Development costs, retroactivity	PROP 97-04-006	
Retailer criminal history and credit criteria for applicants and licensees	MISC 97-03-106	Firearm and archery range recreation	PERM 97-08-003	
Spokane regional office	PREP 97-07-061		PROP 97-04-006	
	PERM 97-15-122	Land and water conservation fund	PERM 97-08-003	
		Meetings	MISC 97-03-069	
MARINE EMPLOYEES' COMMISSION			MISC 97-04-010	
Meetings	MISC 97-06-016		MISC 97-04-064	
	MISC 97-16-102		MISC 97-06-068	
			MISC 97-13-010	
MARINE SAFETY, OFFICE OF			MISC 97-15-008	
Bunkering operations	PREP 97-07-066		MISC 97-17-077	
Fishing vessel industry standards	MISC 97-07-067		MISC 97-19-049	
Vessel operations			MISC 97-21-011	
small tank barges,		Nonhighway and off-road vehicle activities	PROP 97-04-006	
financial responsibility	PROP 97-07-064		PERM 97-08-003	
	PERM 97-10-096	Project agreement execution	PREP 97-08-079	
substantial risk standards	PROP 97-07-065		PROP 97-12-027	
	PERM 97-10-097		PERM 97-17-004	
300 gross tons and larger	MISC 97-03-119	Rules coordinator	MISC 97-03-070	
		Washington wildlife and recreation	PROP 97-04-006	
			PERM 97-08-003	
MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF				
Annual goals	PREP 97-09-093			
	PROP 97-13-067			
	PERM 97-16-073	PARKS AND RECREATION COMMISSION		
Costs of certification, distribution	PROP 97-09-094	Alcohol in state parks	PREP 97-15-152	
	PERM 97-17-045	Boating environmental projects, funding	PREP 97-20-080	
		Concessions and leases	PREP 97-18-069	
			PROP 97-21-132	
MILITARY DEPARTMENT		Fees	PREP 97-15-152	
Emergency management division		Meetings	MISC 97-02-007	
hazardous chemicals emergency response planning	PREP 97-20-118			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Metal detecting	PREP 97-06-063	Puget Sound district	PROP 97-02-005
	PROP 97-09-081		PROP 97-08-041
	PROP 97-09-113		PERM 97-12-017
	PROP 97-09-114	Pilots	
	PERM 97-12-042	duties	PROP 97-01-108
Moorage and marine facilities use	PREP 97-18-071		PERM 97-06-106
Parking permits	PREP 97-06-062	license fee schedule	PROP 97-01-107
Public use of park areas	PREP 97-18-070		PERM 97-06-105
Senior citizen pass	PREP 97-15-152	new pilots	PROP 97-06-102
	PROP 97-18-080		EMER 97-06-104
	PERM 97-21-133		EMER 97-08-040
Sno-park permit fees	PREP 97-15-113		PROP 97-10-084
	PROP 97-18-080	Vessels	PERM 97-14-032
			PROP 97-06-103
			EMER 97-06-104
PENINSULA COLLEGE		WAC chapter recodification	PERM 97-12-018
Meetings	MISC 97-03-125		MISC 97-08-042
	MISC 97-21-091		
PERSONNEL RESOURCES BOARD AND PERSONNEL, DEPARTMENT OF		POLLUTION LIABILITY INSURANCE AGENCY	
Administrative procedure	PROP 97-08-089	Heating oil pollution liability insurance program	PROP 97-03-113
	PROP 97-08-090		PERM 97-06-080
	PROP 97-10-088		EMER 97-07-049
Appeals, procedures	PROP 97-02-072	Issuance eligibility assessment reimbursement	EXRE 97-19-054
	PERM 97-06-012	Residential heating oil tanks assistance to owners program	PROP 97-12-078
	PROP 97-08-090		PROP 97-15-111
	PROP 97-10-088		PERM 97-20-094
Broad band approach, application to classifications	PROP 97-12-079		
	PROP 97-16-014	PUBLIC DISCLOSURE COMMISSION	
	PROP 97-16-015	Contributions	
Civil service	PROP 97-20-064	independent expenditures	PROP 97-03-117
Classified service	PROP 97-20-065		PERM 97-06-085
Employee performance evaluation forms	PROP 97-08-090		PROP 97-06-086
	PROP 97-10-088		PERM 97-10-055
	PROP 97-10-089		PREP 97-17-093
	PERM 97-13-045	Meetings	PROP 97-21-148
Labor relations	PROP 97-01-064		MISC 97-09-027
	PERM 97-06-012	Personal financial affairs statement	MISC 97-20-105
	PERM 97-01-065		PREP 97-15-114
	PROP 97-20-063		PREP 97-17-093
Layoffs		Rules development	PROP 97-19-051
Positions			MISC 97-14-036
allocations and reallocations	PROP 97-08-089	PUBLIC EMPLOYEES BENEFITS BOARD	
	PROP 97-10-088	Meetings	MISC 97-03-018
Reduction in force	PROP 97-16-014		MISC 97-04-026
	PROP 97-16-015		MISC 97-06-010
Salaries	PROP 97-12-079		MISC 97-07-001
	PROP 97-16-015		MISC 97-08-082
	PROP 97-20-061		MISC 97-15-036
Special pay ranges	PROP 97-20-062		MISC 97-19-089
Temporary appointments	EMER 97-09-028		MISC 97-20-087
	PROP 97-10-090		MISC 97-21-058
	PROP 97-13-044		
	PROP 97-16-013	PUBLIC EMPLOYMENT RELATIONS COMMISSION	
	PERM 97-19-044	Meetings	MISC 97-14-083
Washington management service	PROP 97-14-100	Rules review plan	MISC 97-18-076
	PERM 97-17-041		
	PROP 97-20-119		
PIERCE COLLEGE		PUBLIC INSTRUCTION, SUPERINTENDENT OF	
Board of trustees		Administrator internship program	PREP 97-04-022
bylaws	PROP 97-07-018	Employee benefits, self-funded plans	PROP 97-16-001
	PERM 97-12-071		PERM 97-19-075
code of ethics	PROP 97-07-017	Funding	
	PERM 97-12-070	audit resolution process	PREP 97-18-010
Meetings	MISC 97-03-110	basic education	PREP 97-09-010
	MISC 97-13-052		PROP 97-15-073
	MISC 97-20-024		PROP 97-15-074
			PROP 97-15-075
			PREP 97-16-095
PILOTAGE COMMISSIONERS, BOARD OF			PREP 97-16-096
Pilotage tariff rates	PROP 97-10-062		PREP 97-17-022
Grays Harbor district	PERM 97-15-120		PROP 97-19-055
			PERM 97-20-003

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

federal funds allocation	PROP	97-16-118	Teachers' retirement system		
K-3 staff enhancement	PREP	97-17-067	community and technical college part-time employees service credit calculation	PROP	97-01-017
	EMER	97-18-036		PROP	97-05-010
local enhancement funds	PREP	97-15-116		PERM	97-09-037
	PROP	97-20-093	compensation earnable, determination plan III	PERM	97-03-016
maintenance and operation levies	PREP	97-16-098	contribution rates	PERM	97-01-013
nonhigh participatory finance	PERM	97-03-044	self-directed investment options	EMER	97-08-053
special education	PREP	97-16-097		PREP	97-09-047
	PREP	97-17-023		PROP	97-13-058
	PREP	97-17-024		PERM	97-16-039
	PREP	97-20-079		PERM	97-01-015
Immunization records, verification	PREP	97-19-065	return to work, effect		
Nonresident attendance	PREP	97-09-010			
	PROP	97-15-073			
	PROP	97-15-074			
	PROP	97-15-075			
	PERM	97-20-003			
Part-time public school attendance apportionment	PREP	97-09-010	REVENUE, DEPARTMENT OF		
	PROP	97-15-073	Business and occupation tax		
	PROP	97-15-074	small business tax credit	EMER	97-19-033
	PROP	97-15-075	tax return filing, exemption	PERM	97-08-050
	PERM	97-20-003	Excise taxes		
Revenue			articles manufactured and installed	EXRE	97-21-003
definitions	PREP	97-04-035	conveyances, tax on	EXRE	97-14-042
School buses				PERM	97-21-022
replacement and depreciation allocation	PREP	97-12-041	financial institutions, apportionment of income	PERM	97-11-033
	PROP	97-14-055	mobile homes and mobile home park fees	EXRE	97-21-003
	PERM	97-17-042	Property tax		
Special service program			agricultural land valuations	PERM	97-02-066
highly capable students	PREP	97-21-013	assessment	EXAD	97-21-096
Transitional bilingual instruction program	PROP	97-01-012		EXRE	97-14-043
	PROP	97-14-077	forest land values	PERM	97-21-004
				PROP	97-02-064
University of Washington transition school and early entrance program	PROP	97-15-072	inflation rate	EMER	97-02-065
	PERM	97-20-002		PROP	97-07-041
				PROP	97-11-060
				PERM	97-02-067
				EXAD	97-21-097
			refunds		
			issuance	EXAD	97-21-095
			rate of interest	PERM	97-02-068
				EXAD	97-21-098
			state timber sales	MISC	97-14-002
PUBLIC WORKS BOARD			Public utility tax		
(See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)			low-density light and power utility deduction	MISC	97-14-001
PUGET SOUND AIR POLLUTION CONTROL AGENCY			Real property appraisers accreditation	PERM	97-08-068
Fire extinguisher training rules	PERM	97-07-046	Rules coordinator	MISC	97-02-030
Meetings	MISC	97-01-061	Sales tax		
Sources			motor carriers' purchases	PROP	97-07-079
fees	PERM	97-01-070		PERM	97-11-022
	PROP	97-04-075	wind and solar electric generating facilities	PERM	97-03-027
	PROP	97-15-125	Timber excise tax		
	PERM	97-20-009	forest land values	PREP	97-19-030
penalties	PROP	97-15-125	quality codes	PREP	97-19-029
	PERM	97-20-009	stumpage values	PERM	97-02-069
registration	PERM	97-01-070		PREP	97-06-111
	PROP	97-04-075		PROP	97-10-027
				PERM	97-14-068
				PREP	97-19-031
				PREP	97-19-032
RENTON TECHNICAL COLLEGE					
Meetings	MISC	97-02-088			
	EXRE	97-19-067			
Rules coordinator	MISC	97-15-038			
RETIREMENT SYSTEMS, DEPARTMENT OF					
Deferred compensation program	PROP	97-02-027	RULES COORDINATORS		
	PERM	97-05-009	(See Issue 97-01 for a complete list of rules coordinators designated as of 12/19/96)		
Employee retirement benefits board meetings	MISC	97-01-118	Building code council	MISC	97-16-109
Executive boards	PROP	97-21-154	Clover Park Technical College	MISC	97-01-038
Law enforcement officers' and fire fighters' retirement system basic salary, determination	PERM	97-01-016	Community economic revitalization board	MISC	97-16-018
Obsolete rules	EXRE	97-20-028	Education, State board of	MISC	97-15-048
Service credit, establishment or reestablishment	PERM	97-01-014	Higher education coordinating board	MISC	97-13-032
Service retirement, recodification of chapter 415-108 WAC	MISC	97-19-035	Renton Technical College	MISC	97-13-038
			Revenue, department of	MISC	97-02-030
			Skagit Valley College	MISC	97-20-106
			Social and health services, department of	MISC	97-21-037

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Treasurer, Office of the State	MISC	97-21-065	SOCIAL AND HEALTH SERVICES, DEPARTMENT OF	Adoption support program	PREP	97-03-097
Walla Walla Community College	MISC	97-06-032		Adult day health	PREP	97-03-124
Washington State Patrol	MISC	97-09-088		Adult family homes		
Washington State University	MISC	97-05-020		licensing, limited moratorium	PREP	97-12-047
SALARIES FOR ELECTED OFFICIALS, CITIZENS COMMISSION						
Meetings	MISC	97-05-016		licensing, minimum requirements	PROP	97-15-132
	MISC	97-08-029		Aging and adult services	PERM	97-18-089
SEATTLE COMMUNITY COLLEGES				adult protective services	PROP	97-18-087
Meetings	MISC	97-01-019			PROP	97-11-083
	MISC	97-04-052		adult family home	PERM	97-21-108
	MISC	97-06-033		minimum licensing designations	PROP	97-20-114
	MISC	97-10-066			PROP	97-21-107
	MISC	97-12-014		caregiver education and training	PROP	97-11-043
	MISC	97-13-013			PROP	97-15-134
	MISC	97-14-018			PERM	97-19-020
	MISC	97-14-026		eligibility standards	PREP	97-20-121
	MISC	97-15-034		in-home care providers	PREP	97-08-072
	MISC	97-15-094			PROP	97-13-090
	MISC	97-17-007			PERM	97-16-106
	MISC	97-18-011		personal care services, eligibility	PREP	97-15-136
	MISC	97-19-011		rates management, office	PREP	97-06-072
	MISC	97-19-036			PROP	97-12-082
	MISC	97-19-068			PERM	97-17-040
	MISC	97-20-083		service levels	PREP	97-20-121
SECRETARY OF STATE				Aid to families with dependent children (AFDC)		
Corporations divisions				eligibility	PREP	97-02-079
charities	PREP	97-03-014		immigration and naturalization		
	PROP	97-08-076		services reporting	PREP	97-02-077
	PROP	97-16-034		unemployed parent program		
	PERM	97-16-035		100-hour work rule	PROP	97-09-108
	PERM	97-19-043		work quarters, definition	PERM	97-01-043
commercial coventurer	PREP	97-08-075		Alcohol and substance abuse, division of		
	PROP	97-13-093		behavior management and temporary		
	PERM	97-16-036		protective holding of patients	PERM	97-03-062
commercial fund-raiser	PREP	97-03-014		chemical dependency counselors	PROP	97-02-009
	PROP	97-08-076			PERM	97-08-073
	PROP	97-16-034			PERM	97-13-050
	PERM	97-16-035			EMER	97-15-033
digital signatures	PREP	97-13-060			PROP	97-15-133
	PROP	97-20-151		definitions	PERM	97-19-021
Elections					PROP	97-02-009
absentee ballots, processing	EMER	97-13-003			PERM	97-08-073
administration	PROP	97-14-106		placement criteria	PERM	97-13-050
	PROP	97-19-013			PROP	97-02-009
	EMER	97-21-044			PERM	97-08-073
	PERM	97-21-045		Aliens		
	PROP	97-21-046		food assistance program for legal		
mail ballots, processing	EMER	97-13-003		immigrants	PROP	97-17-098
Initiative and referendum petitions					PERM	97-20-124
signature verification	PREP	97-09-060		organ transplants	EMER	97-08-074
	PROP	97-13-094		Asset management manual	MISC	97-08-009
	PERM	97-17-035		Blood bank services		
Voter registration cards	PREP	97-06-091		billing	MISC	97-08-013
	PROP	97-09-099		Child care		
	EMER	97-12-039		day care homes, licensing	PREP	97-14-073
	PERM	97-18-014		eligibility	MISC	97-02-050
					PREP	97-14-047
SHORELINE COMMUNITY COLLEGE					PROP	97-17-104
Meetings	MISC	97-03-006			PERM	97-20-130
					PROP	97-20-132
SKAGIT VALLEY COLLEGE				Child protective services		
Antihazing policy	PERM	97-01-049		investigation notification	PREP	97-02-031
Meetings	MISC	97-01-039			PROP	97-09-106
	MISC	97-02-043			PERM	97-13-002
	MISC	97-09-058		Child support, division of		
	MISC	97-10-019		collection remedies	PROP	97-09-020
	MISC	97-12-064			PERM	97-13-092
Rules coordinator	MISC	97-20-106		confidentiality, address disclosure	PREP	97-09-110
					PROP	97-10-082
					PROP	97-15-085
					PERM	97-18-075

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

party status rights	PREP 97-09-109		PERM 97-05-002
	PROP 97-13-087		PERM 97-06-074
	PERM 97-16-037		EMER 97-20-015
paternity acknowledgement	PREP 97-09-111	ineligible household members	EMER 97-02-073
paternity tests	PROP 97-09-020		PROP 97-02-075
	PERM 97-13-092		PERM 97-06-096
wage assignment	PROP 97-09-020		PROP 97-13-088
	PERM 97-13-092		PERM 97-16-045
Children's services		legal immigrants, eligibility	PROP 97-17-098
child protection teams	MISC 97-02-053		EMER 97-18-051
foster care	MISC 97-02-058		PERM 97-20-124
group care	MISC 97-02-057	overpayments	PROP 97-01-089
inpatient mental health	MISC 97-02-052		EMER 97-01-094
policy manual	MISC 97-02-051		PERM 97-04-024
relatives of legally free	MISC 97-02-056	thrifty food plan	EMER 97-20-113
runaways	MISC 97-02-054	utility allowances	PROP 97-15-086
	MISC 97-02-055		PERM 97-18-086
Deaf and hard of hearing services		violations and disqualification	PROP 97-01-088
communication access			EMER 97-01-095
interpretive or policy statement	MISC 97-01-097		PERM 97-04-023
interpreter services	PREP 97-14-071	General assistance - unemployable	
	EMER 97-15-058	eligibility	PREP 97-14-081
Developmental disabilities, division of		Income assistance	
family support program		need standards	PERM 97-01-001
funds	EMER 97-03-033	Information technology	
	EMER 97-11-009	purchase of goods and services	MISC 97-08-008
	PERM 97-13-051	Juvenile rehabilitation administration	
rules	PREP 97-03-098	parole revocation	PREP 97-19-103
shared living arrangement, definition	PREP 97-14-072	Limited English clients	
	PROP 97-17-091	language services	MISC 97-03-032
Domestic violence perpetrator program	PERM 97-02-035		PREP 97-13-082
Economic services		Long-term care	PREP 97-14-071
child support payments	EMER 97-20-112		EMER 97-15-058
disregarded income	EMER 97-15-087	Medical assistance	PERM 97-20-066
	PROP 97-15-088	assignment of client rights	PROP 97-01-093
	PERM 97-18-073		PERM 97-04-005
financial responsibility	PROP 97-09-019	categorically needy, eligibility	PERM 97-03-036
	PROP 97-10-083	client grievances	PROP 97-01-092
food assistance program for legal			PERM 97-04-004
immigrants	PROP 97-17-098	dental procedures	MISC 97-15-068
	EMER 97-18-051		MISC 97-16-105
	PERM 97-20-124	eligibility for programs	PREP 97-11-075
lump sum payments	EMER 97-03-047		PROP 97-12-081
	PROP 97-03-051		EMER 97-16-053
	PERM 97-06-078		
	EMER 97-15-137	correction to WSR 97-12-081	
refugee cash assistance	PROP 97-17-039	published in PROP area of	
	PERM 97-20-128	Issue 97-14	
Employees		estate recovery	PREP 97-20-014
foster care licensing and adoption		fee schedules	MISC 97-15-010
certification	MISC 97-03-031		MISC 97-15-059
Federal poverty level revised	EMER 97-08-031		MISC 97-15-060
Food stamp program			MISC 97-15-061
alien status requirements	PROP 97-09-107		MISC 97-15-062
	PERM 97-12-025		MISC 97-15-063
	EMER 97-18-057		MISC 97-15-064
	PROP 97-18-058		MISC 97-15-065
certification period	PROP 97-06-098		MISC 97-15-066
	PERM 97-09-030	Healthy Kids/EPSDT billing instructions	MISC 97-18-084
definitions	PROP 97-13-089	Healthy Options programs	MISC 97-15-067
	PERM 97-16-046	hearing aid casing replacement	MISC 97-16-004
drug-related convicted felons		HIV/AIDS case management billing	
denial of assistance	PROP 97-06-097	instructions	MISC 97-18-083
	PERM 97-09-031	home health services	
employment and training programs		billing	MISC 97-05-001
requirements	PERM 97-03-035	prior authorization requirement removed	MISC 97-08-012
	EMER 97-05-052	hospital services	PROP 97-11-008
	PROP 97-05-053	income eligibility	PROP 97-02-010
	PERM 97-09-012		PERM 97-10-022
	EMER 97-17-020		PROP 97-13-057
	PROP 97-17-021		PERM 97-16-008
income eligibility	PROP 97-02-078	institutionalized client	
	EMER 97-02-076	income eligibility	EMER 97-02-048
	EMER 97-02-033		EMER 97-02-049
	PROP 97-02-034		PROP 97-02-032

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

payments	PERM 97-05-040	Temporary assistance to needy families (TANF)	
interpreter services, billing	PREP 97-12-023	assistance units	PREP 97-14-045
kidney centers, eligibility	PROP 97-12-062		PROP 97-17-068
kidney dialysis clients	MISC 97-16-007	child care, eligibility	PERM 97-20-124
length of stay criteria	PREP 97-11-081		PREP 97-14-047
managed care	MISC 97-15-082	child caretaker	PROP 97-17-104
enrollment requirements	MISC 97-17-037		PERM 97-20-130
maternity care	PROP 97-10-073	child living with legal guardian	PREP 97-02-083
billing		child support	PREP 97-02-081
case management services	MISC 97-05-051		PREP 97-13-083
midwives, billing instructions	MISC 97-08-011	drug-related convicted felons	PREP 97-02-082
needs special assistance clients	MISC 97-18-082	denial of assistance	PROP 97-05-071
	PERM 97-02-047		PERM 97-08-033
newborn premiums	PROP 97-02-063		PERM 97-10-042
nondurable medical equipment and supplies	MISC 97-04-030	eligibility	PROP 97-05-069
billing	MISC 97-09-105		PERM 97-08-034
nursing facilities, billing procedures	MISC 97-16-005		PERM 97-10-040
nursing facility clients, eligibility	MISC 97-18-085		PROP 97-15-032
	PREP 97-01-090		EMER 97-15-044
	PROP 97-11-082		PERM 97-18-074
nursing services, private duty	PERM 97-15-025		PREP 97-02-084
outpatient claims	MISC 97-16-006		PREP 97-02-085
	MISC 97-18-081		PREP 97-12-080
patients requiring regulation	MISC 97-04-029		PREP 97-14-082
pharmacy services	MISC 97-17-036		PROP 97-15-031
reimbursement	PERM 97-03-038		PROP 97-15-043
prescription drugs			PROP 97-17-069
	PREP 97-06-131		PROP 97-17-087
prior authorization	MISC 97-04-028		PROP 97-17-088
temporary removal of requirements	MISC 97-08-010		PROP 97-17-090
receipt of resources	MISC 97-08-014		PROP 97-17-099
resources, availability	PERM 97-03-037		PROP 97-17-100
	PREP 97-01-091		PROP 97-17-101
	PROP 97-07-023		PROP 97-17-103
	PERM 97-09-112		PERM 97-20-056
resources, exemptions	PERM 97-03-034		PERM 97-20-124
school services			PERM 97-20-125
billing	MISC 97-04-031		PERM 97-20-128
special situations	PREP 97-10-034		PROP 97-20-132
sterilization procedures	MISC 97-15-009	eligibility review cycle	PROP 97-21-106
stop-loss criteria	PREP 97-11-076		PROP 97-21-152
supplemental premiums		family violence	PREP 97-11-078
interpretive or policy statement	MISC 97-01-096		EMER 97-14-109
Mental health institutions			PREP 97-14-087
repeal of obsolete sections	EXRE 97-14-071		PROP 97-17-089
	PERM 97-18-052		PERM 97-20-124
Personal care services		fraud	PROP 97-20-132
eligibility	PREP 97-15-083	penalties	PROP 97-05-070
	PROP 97-15-135		PERM 97-10-038
Public assistance programs	PREP 97-20-120	fugitive felons and probation/parole violators	
Rules		address of recipient	EMER 97-03-046
repeal of obsolete, duplicative, or	PREP 97-15-131		PROP 97-03-053
ambiguous rules	PROP 97-19-102	denial of assistance	PERM 97-07-008
	PROP 97-21-081		EMER 97-03-049
Rules coordinator	MISC 97-21-037		PROP 97-03-052
Self-assessment and internal control	MISC 97-17-038		EMER 97-04-050
Sexually violent predators			PROP 97-04-051
escorted leaves	PROP 97-11-044	overpayments, waiver of retroactive	PERM 97-06-077
Supplemental security income (SSI)		case overpayments	PERM 97-07-024
cost of living adjustment (COLA)	EMER 97-02-074		PREP 97-11-080
eligibility	PREP 97-08-035	grant payments	EMER 97-15-011
medical assistance	EMER 97-08-030		PREP 97-13-084
	PROP 97-12-081		EMER 97-14-108
	PERM 97-15-084		PROP 97-17-097
			PERM 97-20-128
correction to WSR 97-12-081		immigrants, eligibility	PROP 97-20-132
published in PROP area of		personal property	EMER 97-16-055
Issue 97-14		exemption	
standards of assistance	PROP 97-10-035		EMER 97-03-048
	EMER 97-10-036		PROP 97-03-050
	PERM 97-14-011		PERM 97-06-075

Subject/Agency Index

(Citation in bold type refer to material in this issue)

pregnant women	PREP	97-13-085	SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY	Fees	PROP	97-05-046							
	EMER	97-14-107			PERM	97-09-016							
	PROP	97-17-102			Municipal solid waste combustors emission standards	PREP	97-19-074						
	PERM	97-20-125				PROP	97-05-045						
	protective payee fees	PERM			97-20-128	Penalties	Violations	PERM	97-09-015				
		PROP			97-20-132			PROP	97-05-045				
		PREP			97-06-132			PERM	97-09-015				
		EMER			97-06-133			PROP	97-05-045				
		PROP			97-10-039			PERM	97-09-015				
		PREP			97-13-084			SUPREME COURT	Amicus curiae briefs	MISC	97-13-023		
PERM		97-13-091	MISC	97-13-021									
PROP		97-17-097	MISC	97-11-027									
PERM		97-20-128	MISC	97-13-020									
PROP		97-20-132	Court records, destruction and sealing	MISC	97-05-024								
EMER	97-16-056	MISC		97-01-062									
refugees, assistance eligibility	PROP	97-17-039	Dismissal of actions	Health care claims mediation procedure	MISC	97-13-019							
	PERM	97-20-128			MISC	97-15-051							
	resources, exemptions	PREP	97-11-077	Infraction cases	Juvenile court proceedings	MISC	97-13-022						
		PREP	97-11-079			MISC	97-15-049						
		PROP	97-15-089	Juvenile dependency and termination of parental rights	MISC	97-07-011							
		EMER	97-15-090		MISC	97-13-020							
		PERM	97-19-008	Lawyer disciplinary proceedings	MISC	97-07-010							
		PROP	97-05-068		MISC	97-13-035							
		temporary absence of child	PERM	97-08-032	Pleas	Search and inspection procedures	MISC	97-01-029					
			PERM	97-10-041			MISC	97-13-020					
time limits			PROP	97-15-031	Settlement guardian ad litem	State bar association, purposes	MISC	97-13-020					
			EMER	97-15-043			MISC	97-01-029					
	unemployed parent program 100-hour work rule unmarried minor parents		PROP	97-09-108	TACOMA COMMUNITY COLLEGE	Meetings	MISC	97-02-046					
			PREP	97-02-080			PROP	97-03-128					
			PROP	97-05-072			PERM	97-07-048					
			EMER	97-06-026			PREP	97-18-065					
			PROP	97-06-073			Personnel rules for classified staff	Tuition and fee waivers	TAX APPEALS, BOARD OF	MISC	97-01-037		
			PERM	97-09-029						MISC	97-01-037		
		EMER	97-16-052	Meetings			Meetings	TRAFFIC SAFETY COMMISSION		MISC	97-07-020		
		EMER	97-03-054							MISC	97-20-097		
PROP		97-03-055	Meetings	Meetings			TRANSPORTATION COMMISSION			MISC	97-15-109		
EMER		97-04-050								EMER	97-15-110		
PROP	97-04-051	Meetings	Meetings	MISC	97-01-036								
PERM	97-06-076			PROP	97-01-069								
Translation and interpretation services	PERM	97-07-024	Meetings	Meetings	PERM	97-06-002							
	MISC	97-03-032			MISC	97-06-030							
	PREP	97-13-082	Meetings	Meetings	MISC	97-09-021							
	PREP	97-13-086			MISC	97-18-004							
	Vocational rehabilitation services Washington Administrative Code rules, delegation of authority to sign Welfare fraud payment denial WorkFirst program	PREP	97-09-011	Meetings	Meetings	MISC		97-21-029					
		PREP	97-02-086			TRANSPORTATION IMPROVEMENT BOARD		MISC	97-03-015				
		PREP	97-14-046	MISC	97-09-017								
		PROP	97-16-054	MISC	97-13-025								
		PROP	97-17-070	MISC	97-15-020								
		PERM	97-20-126	MISC	97-21-009								
PERM		97-20-129	TRANSPORTATION, DEPARTMENT OF	Air search and rescue management	PROP		97-01-075						
SOUTH PUGET SOUND COMMUNITY COLLEGE		Meetings			MISC		97-06-001	PERM	97-03-064				
					MISC		97-07-009	PROP	97-01-075				
					MISC		97-13-068	PERM	97-03-064				
	MISC				97-20-008		PROP	97-01-075					
	MISC				97-21-089	PERM	97-03-064						
	SOUTHWEST AIR POLLUTION CONTROL AUTHORITY				Operating permits	EXRE	97-13-027	registration	PROP	97-01-075			
						PERM	97-21-050		PERM	97-03-064			
						SPOKANE, COMMUNITY COLLEGES OF	Meetings		MISC	97-04-019	training	PROP	97-01-075
									MISC	97-12-012		PERM	97-03-064
			MISC	97-20-006					Contractors prequalification	PROP		97-01-087	
MISC		97-21-008	PROP	97-05-007									
PREP		97-15-040	Meetings	PERM					97-09-045				
PROP		97-19-022		PERM					97-09-045				

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Ferries			choice of services and service providers	PROP	97-11-072
hazardous materials, transport	PREP	97-03-118		PERM	97-18-056
	PROP	97-12-074		PERM	97-20-095
Franchises and permits			pay telephones	PREP	97-08-036
application process	MISC	97-21-028	prepaid calling card services, billing exemption	PREP	97-11-071
Highway Advertising Control Act				PROP	97-19-070
definitions, provisions, penalties	PREP	97-09-070		PREP	97-15-053
	PROP	97-13-028		EMER	97-17-026
	PERM	97-17-010	schools and libraries, rates	PREP	97-09-023
Public advisory elections	PREP	97-08-016		PREP	97-21-153
	PROP	97-11-040	subscriber rates, calling areas		
	PERM	97-14-037	universal service cost		
Regional transportation planning process	PROP	97-06-005	Transmission facilities	PREP	97-20-021
	PERM	97-09-046	attachment rates		
			Transportation services		
			limousines	PREP	97-17-046
			nonprofit providers to person with special		
			transportation needs	PERM	97-08-037
			railroad track scales	PREP	97-17-046
TREASURER, OFFICE OF THE STATE					
Rules coordinator	MISC	97-21-065			
UNIVERSITY OF WASHINGTON					
Admission and registration procedures	PREP	97-20-084	VETERANS AFFAIRS, DEPARTMENT OF		
Facilities use	PREP	97-10-077	Regulatory improvement plan	MISC	97-19-009
	PROP	97-18-064	State veterans homes		
Family housing, residency eligibility	PREP	97-16-101	transfer and discharge of resident	PERM	97-06-013
	PROP	97-20-085			
Meetings	MISC	97-01-085	VOLUNTEER FIREFIGHTERS, BOARD FOR		
	MISC	97-03-007	Emergency medical service district fees	EXRE	97-13-046
	MISC	97-03-008		PERM	97-18-001
	MISC	97-03-009	Meetings	MISC	97-07-005
	MISC	97-03-024		MISC	97-21-149
	MISC	97-03-058			
	MISC	97-03-105	WALLA WALLA COMMUNITY COLLEGE		
	MISC	97-03-108	Meetings	MISC	97-08-015
	MISC	97-03-109		MISC	97-12-040
	MISC	97-04-018		MISC	97-13-011
	MISC	97-04-072		MISC	97-14-006
	MISC	97-04-073		MISC	97-14-022
	MISC	97-06-029		MISC	97-20-007
	MISC	97-07-040		MISC	97-21-059
	MISC	97-09-050	Rules coordinator	MISC	97-06-032
	MISC	97-09-051			
	MISC	97-09-059	WASHINGTON STATE LIBRARY		
	MISC	97-09-087	Library commission		
	MISC	97-10-020	meetings	MISC	97-01-031
	MISC	97-10-067		MISC	97-03-004
	MISC	97-15-047		MISC	97-05-004
	MISC	97-16-028		MISC	97-08-039
	MISC	97-16-029		MISC	97-09-049
	MISC	97-17-014		MISC	97-10-085
	MISC	97-17-055		MISC	97-12-006
	MISC	97-17-076		MISC	97-12-065
	MISC	97-18-016		MISC	97-13-065
	MISC	97-19-047		MISC	97-15-055
	MISC	97-19-069		MISC	97-18-028
	MISC	97-20-045		MISC	97-21-019
	MISC	97-20-074			
Parking and traffic regulations	PREP	97-05-049	WASHINGTON STATE PATROL		
	PROP	97-09-071	Fire protection policy board		
	PERM	97-14-005	meetings	MISC	97-04-002
Public records accessibility	PROP	97-08-062		MISC	97-04-003
	PERM	97-14-004	Fireworks		
Rule review plan	MISC	97-20-025	retail sales	PREP	97-05-028
	MISC	97-21-072		EMER	97-11-023
				EMER	97-11-041
				PREP	97-13-073
				EMER	97-14-019
				PROP	97-16-120
UTILITIES AND TRANSPORTATION COMMISSION			Identification section		
Alternate operator service providers	PREP	97-08-036	criminal history records	PROP	97-01-056
Meetings	MISC	97-01-020		PERM	97-05-048
	MISC	97-09-089			
	MISC	97-15-146	Investigative study group		
Petroleum pipeline companies			meetings	MISC	97-17-085
pipeline safety	PERM	97-07-042		MISC	97-19-034
Public records, accessibility	PREP	97-17-047	Kidnapping offender registration	PREP	97-17-058
Telephones				PROP	97-21-020
access charge reform	PREP	97-21-153			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

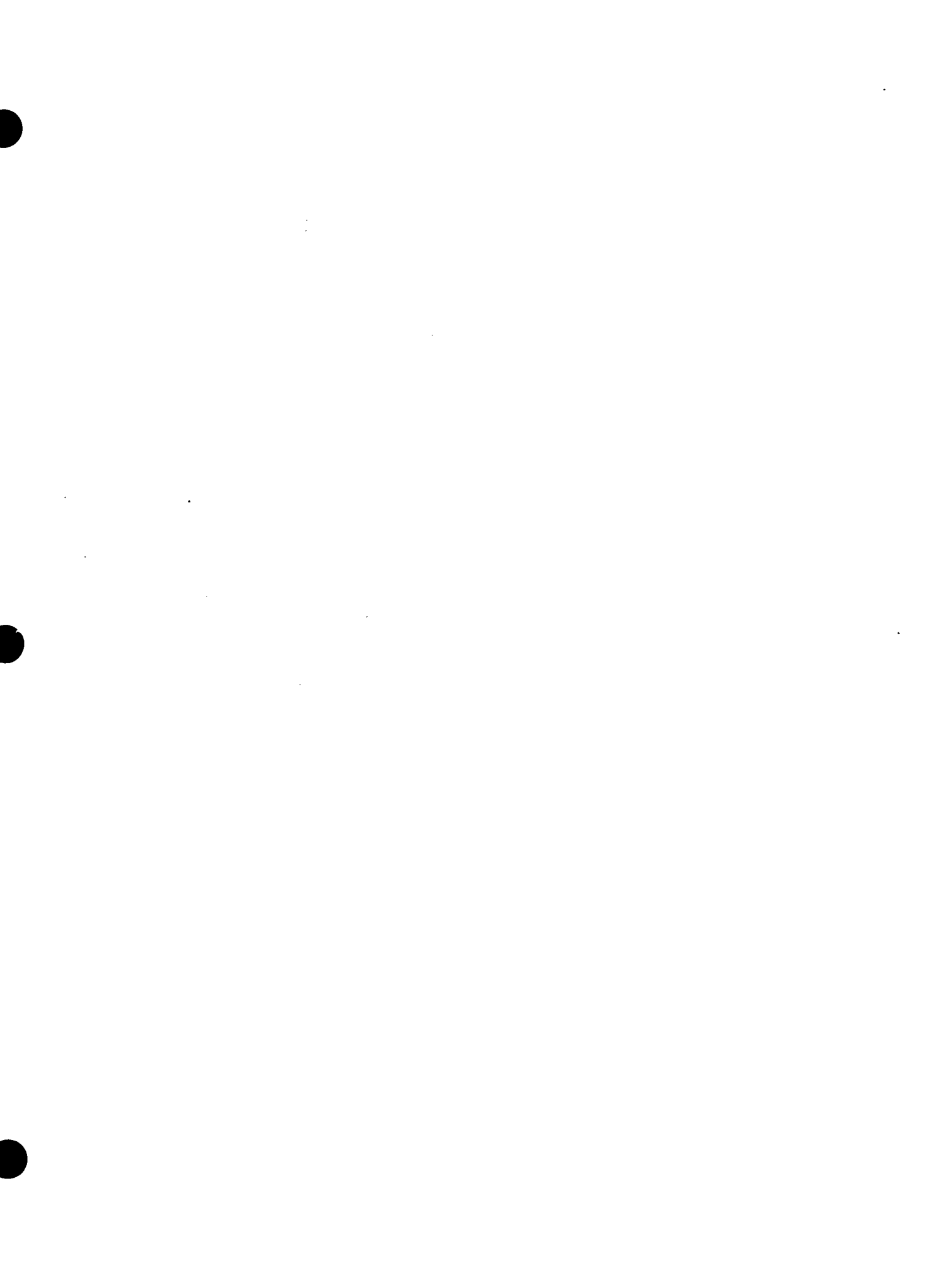
Limousine carriers			MISC	97-03-025
inspection, process and fees	PERM	97-03-127	MISC	97-06-031
Meetings	MISC	97-03-026	MISC	97-06-090
Motor vehicles			MISC	97-07-019
antique motor-driven cycles, definition	PERM	97-03-087	MISC	97-11-006
equipment on snow removal and highway maintenance vehicles	PROP	97-01-057	MISC	97-11-016
	PERM	97-04-054	MISC	97-12-046
fog light use	PREP	97-06-100	MISC	97-15-004
	PERM	97-09-069	MISC	97-17-033
	PERM	97-12-061	MISC	97-18-017
lamp standards	PREP	97-19-017	MISC	97-19-001
lighting device standards	PREP	97-19-050	MISC	97-21-015
measuring sound levels	EXRE	97-20-072	MISC	97-21-027
quartz halogen headlamps	EXRE	97-14-040		
	PERM	97-17-060		
seat belts				
exemptions	PREP	97-03-043		
	PROP	97-07-037		
	PERM	97-10-023		
special built vehicles, construction and equipment	PREP	97-17-059		
	PROP	97-21-021		
street rods and kit vehicles				
body requirements	PROP	97-01-058		
	PERM	97-04-055		
tires	EXRE	97-14-041		
	PERM	97-17-061		
wireless communications systems	PREP	97-03-042		
	PROP	97-07-036		
	PERM	97-10-024		
Public records				
copy charges	PERM	97-01-018		
Rules coordinator	MISC	97-09-088		
Towing businesses				
application for letters of appointment	PROP	97-04-053		
	EMER	97-04-056		
	PERM	97-08-021		
fees, calculation	EMER	97-04-056		
vehicle storage	PROP	97-04-053		
	EMER	97-04-056		
	PERM	97-08-021		
 WASHINGTON STATE UNIVERSITY				
Contract award procedure	EXRE	97-14-038		
	PERM	97-20-020		
Martin stadium, spectator safety at events	PREP	97-05-021		
	PROP	97-10-086		
	PROP	97-16-072		
	PERM	97-20-019		
Meetings	MISC	97-10-057		
	MISC	97-15-102		
	MISC	97-19-088		
Rules coordinator	MISC	97-05-020		
 WENATCHEE VALLEY COLLEGE				
Meetings	MISC	97-01-054		
 WESTERN WASHINGTON UNIVERSITY				
Housing and dining	MISC	97-11-013		
Meetings	MISC	97-21-031		
Parking and traffic regulations	PREP	97-06-014		
	PROP	97-11-025		
	PERM	97-17-052		
 WHATCOM COMMUNITY COLLEGE				
Hazing	PREP	97-03-102		
Meetings	MISC	97-03-010		
	MISC	97-09-053		
	MISC	97-12-005		
 WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD				
Meetings	MISC	97-01-004		

YAKIMA VALLEY COMMUNITY COLLEGE

Parking and traffic regulations

PREP 97-10-076
PROP 97-14-101
PERM 97-19-026





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