

Washington State Register

July 1, 1998

OLYMPIA, WASHINGTON

ISSUE 98-13



IN THIS ISSUE

Agriculture, Department of
Apple Advertising Commission
Arts Commission
Attorney General's Office
Bellingham Technical College
Building Code Council
Community Economic Revitalization Board
Convention and Trade Center
Corporations Division
Ecology, Department of
Edmonds Community College
Education, State Board of
Employment Security Department
Financial Institutions, Department of
Fish and Wildlife, Department of
Gambling Commission
Governor, Office of the
Health Care Authority
Health, Department of
Health, State Board of
Hearing and Speech, Board of
Insurance Commissioner's Office

Judicial Conduct, Commission on
Labor and Industries, Department of
Licensing, Department of
Lottery Commission
Minority and Women's Business Enterprises,
Office of
Natural Resources, Department of
Northwest Air Pollution Authority
Outdoor Recreation, Interagency
Committee for
Personnel Resources Board
Physical Therapy, Board of
Real Estate Commission
Retirement Systems, Department of
Revenue, Department of
Secretary of State
Social and Health Services, Department of
Supreme Court, State
Transportation Improvement Board
Transportation, Department of
Utilities and Transportation Commission
Walla Walla Community College
Washington State Patrol

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of July 1998 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$210.60 per year, sales tax included, postpaid to points in the United States. Periodical postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

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

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

Mary F. Gallagher Dilley
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following 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].

1997 - 1998
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS			
For Inclusion in--	File no later than 12:00 NOON--			Count 20 days from--	For hearing on or after	First Agency Adoption Date
97-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9	Oct 4
97-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23	Oct 18
97-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7	Nov 1
97-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21	Nov 15
97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4	Nov 29
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25	Dec 20
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9	Jan 3, 1998
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23	Jan 17, 1998
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998	Jan 31
98-01	Nov 26	Dec 10	Dec 24, 1997	Jan 7, 1998	Jan 27	Feb 21
98-02	Dec 10	Dec 24, 1997	Jan 7, 1998	Jan 21	Feb 10	Mar 7
98-03	Dec 24, 1997	Jan 7, 1998	Jan 21	Feb 4	Feb 24	Mar 21
98-04	Jan 7	Jan 21	Feb 4	Feb 18	Mar 10	Apr 4
98-05	Jan 21	Feb 4	Feb 18	Mar 4	Mar 24	Apr 18
98-06	Feb 4	Feb 18	Mar 4	Mar 18	Apr 7	May 2
98-07	Feb 18	Mar 4	Mar 18	Apr 1	Apr 21	May 16
98-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5	May 30
98-09	Mar 25	Apr 8	Apr 22	May 6	May 26	Jun 20
98-10	Apr 8	Apr 22	May 6	May 20	Jun 9	Jul 4
98-11	Apr 22	May 6	May 20	Jun 3	Jun 23	Jul 18
98-12	May 6	May 20	Jun 3	Jun 17	Jul 7	Aug 1
98-13	May 20	Jun 3	Jun 17	Jul 1	Jul 21	Aug 15
98-14	Jun 3	Jun 17	Jul 1	Jul 15	Aug 4	Aug 29
98-15	Jun 24	Jul 8	Jul 22	Aug 5	Aug 25	Sep 19
98-16	Jul 8	Jul 22	Aug 5	Aug 19	Sep 8	Oct 3
98-17	Jul 22	Aug 5	Aug 19	Sep 2	Sep 22	Oct 17
98-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6	Oct 31
98-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27	Nov 21
98-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10	Dec 5
98-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24	Dec 19
98-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8	Jan 2, 1999
98-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22	Jan 16, 1999
98-24	Nov 4	Nov 18	Dec 2	Dec 16, 1998	Jan 5, 1999	Jan 30

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.

⁴A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230, as amended by section 202, chapter 409, Laws of 1997.

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;

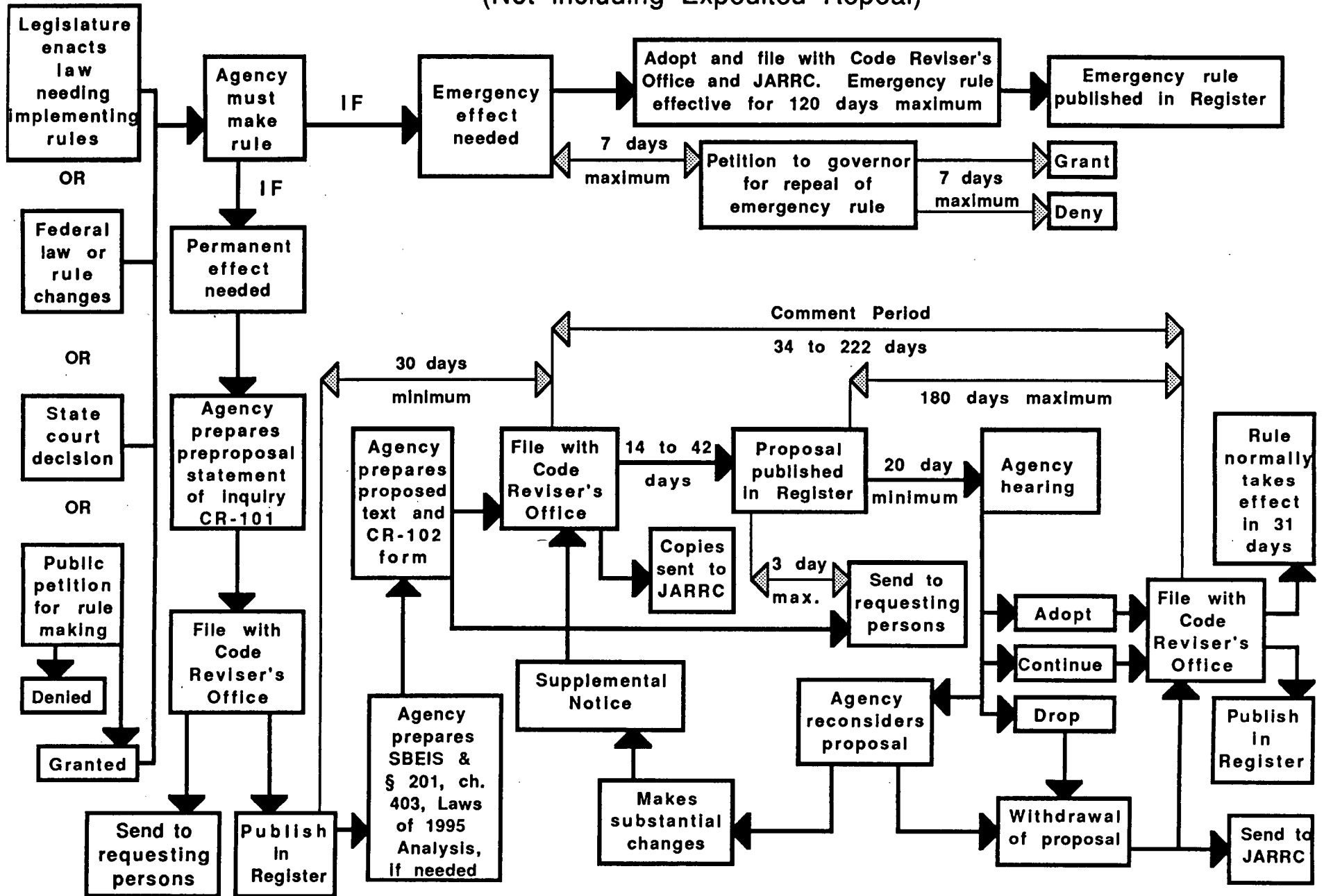
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 98-13-003**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed June 3, 1998, 2:05 p.m.]

Subject of Possible Rule Making: Administration and collection of motor vehicle fuel and special fuel excise taxes, chapter 308-72 WAC, Motor vehicle fuel tax and chapter 308-77 WAC, Special fuel tax rules and regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.36.435 and 82.38.260.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Administrative rules are necessary to administer and clarify the provisions of SHB 2659 regarding the collection of state motor vehicle fuel and special fuel excise taxes. This bill changes the manner in which motor vehicle fuel and special fuel excise tax program is administered by the Department of Licensing including: Changing the point of taxation for motor vehicle fuel and special fuel; creating new reporting requirements; creating new license types and license application requirements; eliminating some existing license types; and creating a dyed special fuel program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Patrol (WSP) will develop and administer a dyed special fuel enforcement program. The WSP will be included in the rule-making process as a stakeholder and coordination, as necessary, will be via the WSP commercial vehicle enforcement section.

Process for Developing New Rule: Will coordinate with impacted stakeholders for comment and review prior to development of final draft and filing of proposed rules.

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

For Questions on Rule Process: Paige Boule, Prorate and Fuel Tax Services, 2424 Bristol Court, Olympia, WA 98504, phone (360) 664-2500, e-mail Pboule@dol.wa.gov, FAX (360) 664-2365.

For Questions on Rule Amendments: Art Farley, Prorate and Fuel Tax Services, 2424 Bristol Court, Olympia, WA 98504, phone (360) 753-6993, FAX (360) 664-2365, e-mail Afarley@dol.wa.gov.

June 2, 1998

Arthur W. Farley
Licensing Services Manager**WSR 98-13-012****PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed June 4, 1998, 4:15 p.m.]

Subject of Possible Rule Making: Rules to prohibit extending credit to purchase gambling supplies and services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 (8), (14), (20).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Flow of gambling product

through the supply chain down to the operators and player is currently hindered and in jeopardy by current use of credit and discounts. Additionally, this change will ensure consistency between the different types of gambling products for sale.

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 Susan Arland, Public Information Officer, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 374.

Meetings at: Maple Hall Convention Center, 104 Commercial Street, La Conner, WA 98257, (360) 466-3101, on June 11 and 12; and at the Double Tree Inn, 322 North Spokane Falls Court, Spokane, WA 99201, (509) 455-9600, on July 9 and 10; and at the Inn at Gig Harbor, 3211 56th N.W., Gig Harbor, WA 98335, (253) 851-6665, on August 13 and 14.

Susan Arland

Public Information Officer

WSR 98-13-051**PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL**

[Filed June 11, 1998, 1:28 p.m.]

Subject of Possible Rule Making: The "Exceptions" section of WAC 51-40-007 (Uniform Building Code), WAC 51-42-007 (Uniform Mechanical Code), WAC 51-44-007 (Uniform Fire Code), and WAC 51-46-007 (Uniform Plumbing Code); also the "Scope" section, subsection 101.3, of chapter 51-11 WAC, Energy Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074 and chapter 37, Laws of 1998, 2SSB 6168.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments will exempt temporary worker housing from being subject to the codes listed in RCW 19.27.031 and chapter 19.27A RCW as directed by chapter 37, Laws of 1998, 2SSB 6168.

Process for Developing New Rule: Agency study; and solicit comments and proposals from affected parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive notification of meetings and agenda topics related to the creation of this exemption, please submit a letter of interest to Mike McEnaney, Chair, P.O. Box 48300,

Olympia, WA 98504-8300, FAX (360) 586-5880, e-mail sbcc@cted.wa.gov, or call council staff at (360) 753-5927.

May 15, 1998

Mike McEnaney
Council Chair

WSR 98-13-052

**PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL**

[Filed June 11, 1998, 1:30 p.m.]

Subject of Possible Rule Making: Chapter 51-04 WAC, Policies and procedures for consideration of state-wide and local amendments to the state building code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.035, 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to update definitions and references, and to clarify procedures for the review of local government amendments to the residential portion of the building code.

Process for Developing New Rule: Agency study; and solicit comments and proposals from interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive notification of meetings and agenda topics related to the review of chapter 51-04 WAC, please submit a letter of interest to Mike McEnaney, Chair, P.O. Box 48300, Olympia, WA 98504-8300, FAX (360) 586-5880, e-mail sbcc@cted.wa.gov or call council staff at (360) 753-5927.

May 15, 1998
Mike McEnaney
Council Chair

WSR 98-13-053

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed June 11, 1998, 2:17 p.m.]

Subject of Possible Rule Making: New sections (rules) discussing the leasehold excise tax (chapter 82.29A RCW).

The Department of Revenue is developing administrative rules pertaining to the leasehold excise tax authorized by chapter 82.29A RCW. The following outline describes the major areas/issues which have been identified for inclusion in the rules.

I. Definitions.

Definitions will be provided for the following terms:

(1) Leasehold interest. What constitutes a "leasehold interest"? What criteria distinguish other kinds of contractual arrangements, such as management agreements, from leasehold interests? Are grazing rights properly included within the definition of leasehold interests, and, if so, under what criteria?

(2) Taxable rent. What should be included in the computation of "taxable rent" and how is it distinguished from "contract rent"?

(3) Contract rent.

(4) Product lease.

(5) Management agreement. When are management agreements not subject to the leasehold excise tax? What criteria does the department follow in determining whether such an arrangement is a bona fide management agreement as opposed to a leasehold interest?

II. Contract rent and taxable rent.

Direction will be given on how taxable rent is to be computed, and under what circumstances and by which methods taxable rent will be established by the department. Direction will be given for distinguishing "contract rent" and for the proper computation of prepaid rents and product leases. Exclusions from the computation of "contract rent" will be identified. The issues of pass-through utility charges and similar fees will be addressed

Retroactive vs. prospective application of increased leasehold excise tax rates based upon the department's establishment of taxable rent computation will be addressed.

III. Collection and remittance - liability.

The issues regarding lessor/lessee liability for unpaid leasehold excise tax will be identified and addressed.

IV. Tax administration.

The following broad areas of tax administration and tax policy will be addressed:

- (1) Exclusion from tax imposition.
- (2) Reporting requirements and credits.
- (3) Retroactive application of fair market rent rate.
- (4) Computation of product lease liability.
- (5) Exemptions and partial exemptions.
- (6) Payment and collection responsibilities of the lessor and lessee.
- (7) Collection and distribution of tax by the department.
- (8) Appeals procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.29A. 140 Rules and regulations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department currently has no rules discussing the leasehold excise tax. Taxpayers and Department of Revenue personnel alike have requested that the department adopt rules to explain the administration of the leasehold excise tax, and the exemptions and credits available under the program. Counties and cities are also authorized to impose local leasehold excise taxes, which are to be administered by the department. Rules adopted by the department will provide important tax information to taxpayers, cities and counties imposing a leasehold excise tax, and department personnel. This information will enhance the consistent application and administration of the leasehold excise tax program.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted at the public meeting, or by mail or FAX on or before the date of the public meeting. Oral comments will be accepted at the public meeting. The above outline of major areas identified as needing to be addressed is available upon request. Written comments on and/or requests for copies of the outline may be directed to Alan R. Lynn, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-9040, FAX (360) 664-0693.

Location and Date of Public Meeting: General Administration Building, Room 207, 11th and Columbia, Olympia, Washington, on July 30, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact Arturo Haro by July 20, 1998, TDD 1-800-451-7985 or (360) 586-0721.

June 11, 1998
Russell W. Brubaker
Assistant Director

WSR 98-13-071

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

(Real Estate Commission)

[Filed June 15, 1998, 1:14 p.m.]

Subject of Possible Rule Making: Pursuant to the Real Estate Commission rules review plan in accordance with the Governor's executive order on regulatory improvement, the following rule chapters will be subject to review, possible amendment or repeal: Chapters 308-124, 308-124B, and 308-124F WAC.

In Particular: Chapter 308-124 WAC, Real estate brokers and salesmen, WAC 308-124-001 Promulgation—Authority, 308-124-005 Organization, 308-124-007 Meetings, 308-124-021 Definitions, 308-124B-120 Change of office location, 308-124B-140 Multiple business usage of office, 308-124B-150 Office requirement for brokers actively licensed in another jurisdiction, 308-124F-010 Real estate office in same building as residence requirements, 308-124F-020 Discriminatory acts—Prohibition, and 308-124F-030 Misuse of broker's license—Prohibited.

Also under consideration for rule change: WAC 308-124A-010 Character report, 308-124A-200 Corporate or copartnership applicants for licenses—Proof required, 308-124A-460 Real estate brokers and salespersons and land development representative fees, and 308-124C-010(3) Licensee's responsibilities (home address reference).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.040, the Governor's Executive Order on Regulatory Improvement, and RCW 43.24.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule review process is designed to streamline, eliminate or modernize rules that need such attention in accordance with the department's regulatory improvement rule review plan. A fees rule is needed

to address the future anticipated budget needs of the real estate program.

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

Process for Developing New Rule: Agency study, will include focus meetings and stakeholder group input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bob Mitchell, Real Estate Program Manager, P.O. Box 9015, Olympia, WA 98507-9015, FAX (360) 586-0998, phone (360) 586-6102, e-mail bmitchell@dol.wa.gov.

June 11, 1998
Evelyn P. Yenson
Director

WSR 98-13-079

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Childrens Administration)

[Filed June 16, 1998, 11:02 a.m.]

Subject of Possible Rule Making: Add new section WAC 388-15-177 Subsidized child care payment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To establish into rule the Department of Social and Health Services maximum child care subsidy rates. The rule will set a standard for what the Department of Social and Health Services child care subsidy programs are able to pay and when exceptions are made to that rate.

Process for Developing New Rule: The Department of Social and Health Services welcomes the public to take part in developing the rule. Anyone interested in participating should contact the staff person indicated below. After the rule is drafted, the Department of Social and Health Services will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Reigel, Program Manager, P.O. Box 45700, Olympia, WA 98507, phone (360) 902-8046, TTY (360) 902-7906, FAX (360) 902-7903, e-mail REIS300@DSHS.WA.GOV.

June 16, 1998
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-13-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed June 16, 1998, 1:45 p.m.]

Subject of Possible Rule Making: **Implementing Chapter 397.** The agency intends in this rule making to consider the adoption of rules to implement chapter 397, Laws of 1997 (effective January 1, 1998). Chapter 397 modernized the Washington State Credit Union Act, chapter 31.12 RCW. The agency will consider rules to implement chapter 397, including rules to implement the following RCW sections, among others:

RCW 31.12.005 Definitions, 31.12.235 Board of directors, 31.12.335 Supervisory committee duties, 31.12.365 Compensation of directors and committee members, 31.12.428 Loans to one borrower limits, 31.12.438 Investment in real property, 31.12.471 Out-of-state credit unions, 31.12.565 Exam reports, and 31.12.567 Regular reports.

Rules Review. The agency also intends to review its credit union rules through this rule making, in accordance with Governor Locke's Executive Order 97-02 (EO 97-02) and the agency's regulatory improvement plan. The agency's credit union rules fall into seven chapters:

Chapter 208-418 WAC, Fees; chapter 208-436 WAC, Investment practices; chapter 208-440 WAC, Commercial business activities; chapter 208-444 WAC, Miscellaneous; chapter 208-464 WAC, Member business loans; chapter 208-472 WAC, Field of membership expansion; and chapter 208-480 WAC, Real estate appraisals.

The agency will review all of its credit union rules in this rule making, except for its rules on field of membership expansion, chapter 208-472 WAC. The agency intends to review chapter 208-472 WAC in a separate rule making, at a later time.

EO 97-02 requires agencies to review their rules using the following criteria:

1. **Need.** Is the rule necessary to comply with the statutes that authorize it? Is the rule obsolete, duplicative, or ambiguous to a degree that warrants repeal or revision? Have laws or other circumstances changed so that the rule should be amended or repealed? Is the rule necessary to protect or safeguard the health, welfare, or safety of Washington's citizens?

2. **Effectiveness and Efficiency.** Is the rule providing the results that it was originally designed to achieve in a reasonable manner? Are there regulatory alternatives or new technologies that could more effectively or efficiently achieve the same objectives?

3. **Clarity.** Is the rule written and organized in a clear and concise manner so that it can be readily understood by those to whom it applies?

4. **Intent and Statutory Authority.** Is the rule consistent with the legislative intent of the statutes that authorize it? Is the rule based upon sufficient statutory authority? Is there a need to develop a more specific legislative authorization in order to protect the health, safety, and welfare of Washington's citizens?

5. **Coordination.** Could additional consultation and coordination with other governmental jurisdictions and state agencies with similar regulatory authority eliminate or reduce

duplication and inconsistency? Agencies should consult with and coordinate with other jurisdictions that have similar regulatory requirements when it is likely that coordination can reduce duplication and inconsistency.

6. **Cost.** Have qualitative and quantitative benefits of the rule been considered in relation to its cost?

7. **Fairness.** Does the rule result in equitable treatment of those required to comply with it? Should it be modified to eliminate or minimize any disproportionate impacts on the regulated community? Should it be strengthened to provide additional protection?

The agency is interested in your comments on its credit union rules in light of these criteria.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 31.12.516.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) To implement chapter 397, Laws of 1997; and (2) to make any necessary rule revisions based on a review of the agency's credit union rules in compliance with Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The rules of the National Credit Union Administration (NCUA) may, at least in part, overlap the agency's credit union rules. However, the NCUA and agency have different roles: The NCUA is the federal insuring authority, while the agency is the state chartering authority. In our experience, the NCUA is not willing to defer to state agencies in the event both parties have rules on the same subject matter, except in very limited circumstances with certain identified rules. In the case of the agency's rules, the only rule so identified by the NCUA is the agency's rule on member business loans (MBL). Consequently, the agency does not intend to attempt to coordinate with the NCUA on the adoption of its rules, other than its MBL rules. Nonetheless, the agency will attempt in this rule making to eliminate any inappropriate or unnecessary overlaps with NCUA rules, while preserving its rights as the state credit union chartering authority.

Process for Developing New Rule: Consultation with interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Parker Cann, Assistant Director, Division of Credit Unions, P.O. Box 1200, Olympia, WA 98502-1200, phone (360) 902-8778, FAX (360) 902-8800, e-mail pcann@dfi.wa.gov.

Interested parties may provide comments to Parker Cann, including comments on existing credit union rules based on the criteria in EO 97-02, as well as comments on any rules or rule revisions that the agency may ultimately propose in connection with this rule making.

June 16, 1998

John L. Bley

Director

WSR 98-13-085**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed June 16, 1998, 1:48 p.m.]

Subject of Possible Rule Making: The Department of Retirement Systems (DRS) will be changing its policy regarding interest on past due employer obligations to DRS, and the basis for calculating interest charges on them.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050, 41.50.120, and 41.50.125.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DRS is developing a new automated system which will enable DRS to fully implement RCW 41.50.125. DRS needs to revise these rules to conform to this statute and current accounting standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of Financial Management (OFM). Draft regulations will be sent to OFM for coordination.

Process for Developing New Rule: Because the department already has existing rules on this subject in place and the amendments are being made only for the purpose of bringing the existing rules into compliance with current accounting principles and standards, the department did not seek input on the preliminary draft prior to filing the CR-101. Copies of the draft rule will be circulated to interested parties for comment. Interested parties include those persons known to the department, such as state employers, and any other person who requests a copy and/or opportunity to comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elyette M. Weinstein, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 709-4747, FAX (360) 753-3166.

June 16, 1998

Elyette M. Weinstein
Rules Coordinator**WSR 98-13-086****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed June 16, 1998, 4:07 p.m.]

Subject of Possible Rule Making: WAC 388-86-045, 388-87-065, and related sections: Home health services and payment methodology. "Home health services" is a Medicaid benefit where qualified medical personnel provide nursing services to eligible clients at their residence. Use of this service decreases costs while increasing client comfort and access to care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.057, 74.09.500, and 42 USC 1396a (10)(D).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules specify what home health services are available from the Medical Assistance Administration for eligible clients, what providers must comply with to receive payment, and how benefits are limited.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this WAC. Draft material and information about how to participate are available by contacting the Department of Social and Health Services' representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allen Richards, Program Assistance and Support Services, Medical Assistance Administration, Olympia, WA 98504-5530, phone (360) 586-1008, FAX (360) 753-7315, TTY 1-800-848-5429, e-mail richaa@dshs.wa.gov.

June 16, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit**WSR 98-13-087****PREPROPOSAL STATEMENT OF INQUIRY
INSURANCE COMMISSIONER'S OFFICE**

[Insurance Commissioner Matter No. R 98-12—Filed June 16, 1998, 4:44 p.m.]

Subject of Possible Rule Making: Requirements for rate filings for certain disability policies and standards for determining if benefits provided are unreasonable in relation to the premium charged.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The provisions of chapter 284-60 WAC were identified in the Insurance Commissioner's regulatory improvement review as a regulatory scheme that may need to be revised and updated. New rules are needed to provide consistent and up-to-date guidelines for the filing of rate schedules, and specify the standard to be used to determine when benefits are unreasonable in relation to the proposed premium. Corresponding changes will be made to WAC 284-54-600 through 284-54-680 to maintain a consistent standard for long-term care policies.

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

Process for Developing New Rule: Agency study; and written comments may be submitted by July 31, 1998, to Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, e-mail KacyB@oic.wa.gov, FAX (360) 407-0186.

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

lication by contacting Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, phone (360) 407-0729, FAX (360) 407-0186, Internet KacyB@oic.wa.gov. We intend to publish an initial draft of the proposed rules on the internet at www.wa.gov/ins by the end of June.

June 15, 1998
Greg J. Scully
Chief Deputy Commissioner

WSR 98-13-088

**PREPROPOSAL STATEMENT OF INQUIRY
INSURANCE COMMISSIONER'S OFFICE**

[Insurance Commissioner Matter No. R 98-14—Filed June 16, 1998, 4:46 p.m.]

Subject of Possible Rule Making: Chapter 284-66 WAC, Washington Medicare supplement insurance regulation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.050, 48.46.200, 48.66.041, 48.66.050, 48.66.100, 48.66.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This chapter is being reviewed under the commissioner's regulatory improvement program. Provisions of the chapter were nominated as regulatory schemes or rules that may need to be altered. The commissioner will consider amending or repealing existing sections or adding new sections to improve the clarity and efficiency of the rules in the chapter. Updates to the language, WAC references, and regulatory schemes of every rule and regulation within the chapter will be considered. An area that will be addressed is amending the chapter to reflect the passage of the Balanced Budget Act of 1997 (BBA).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal government, the Office of Insurance Commissioner has met and will continue to meet with representatives of the health care financing authority to better understand and implement the BBA.

Process for Developing New Rule: Agency study; and send comments by July 31, 1998, to Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, FAX (360) 407-0186, Internet KacyB@oic.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, phone (360) 407-0729, FAX (360) 407-0186, Internet KacyB@oic.wa.gov.

June 15, 1998
Greg J. Scully
Chief Deputy Commissioner

WSR 98-13-089

**PREPROPOSAL STATEMENT OF INQUIRY
INSURANCE COMMISSIONER'S OFFICE**

[Insurance Commissioner Matter No. R 98-15—Filed June 16, 1998, 4:48 p.m.]

Subject of Possible Rule Making: Chapter 284-54 WAC, Long-term care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.30.010, 48.84.030, 48.84.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This chapter is being reviewed under the commissioner's regulatory improvement program. Provisions of the chapter were nominated as regulatory schemes or rules that may need to be altered. The commissioner will consider amending or repealing existing sections or adding new sections to improve the clarity and efficiency of the rules in the chapter. Updates to the language, WAC references, and regulatory schemes of every rule and regulation within the chapter will be considered. An area that will be addressed is amending the chapter to address HIPAA issues.

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

Process for Developing New Rule: Agency study; and send comments by July 31, 1998 to Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, FAX (360) 407-0186, Internet KacyB@oic.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, phone (360) 407-0729, FAX (360) 407-0186, Internet KacyB@oic.wa.gov.

June 15, 1998
Greg J. Scully
Chief Deputy Commissioner

WSR 98-13-090

**PREPROPOSAL STATEMENT OF INQUIRY
INSURANCE COMMISSIONER'S OFFICE**

[Insurance Commissioner Matter No. R 98-17—Filed June 16, 1998, 4:48 p.m.]

Subject of Possible Rule Making: The commissioner will consider amending rules governing managed care plans under the recently adopted chapter 284-43 WAC. The commissioner may create subchapters relating to grievance and dispute resolution standards. Amendments to existing managed care rules may include changes to provider contract rules to address problems brought to the attention of the commissioner by health care professionals and health care facilities. In addition, amendments may be necessary to provisions governing health plans as a result of changes in or newly enacted federal laws, e.g., clarification of rules implementing the Health Insurance Portability and Accountability Act (HIPAA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.120, 48.20.450, 48.20.460, 48.30.010, 48.44.050, 48.46.030, and 48.46.200.

Statutes Being Implemented: RCW 48.43.055, 48.44.020, 48.44.070, 48.46.040, 48.46.060, and 48.46.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules governing health care carriers may need revision and/or new rule development to create a consistent and fair standards for grievance procedures in health plans. Some provisions of chapter 284-43 WAC may need correction as a consequence of changes in federal laws. Finally, new problems have been raised by the health care community relating to contracts between providers and health plans that require resolution.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The commissioner will consult with other state agencies involved in the development, purchase, and provision of managed health care services to minimize conflict between insurance regulations and other state agency rules on the same or similar subjects.

Process for Developing New Rule: Agency study; and the commissioner will form small groups comprised of affected parties to consider amending existing rules and/or developing new rules for managed care plans. For questions regarding substance of these rules, contact John Conniff, (360) 664-3786 or his administrative assistant, Ann Eddy (360) 586-3111.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments should be submitted to Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, phone (360) 407-0729, FAX (360) 407-0186, Internet KacyB@oic.wa.gov. Deadline for comments August 15, 1998.

June 15, 1998

Greg J. Scully

Chief Deputy Commissioner

WSR 98-13-091

PREPROPOSAL STATEMENT OF INQUIRY INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-16—Filed June 16, 1998, 4:49 p.m.]

Subject of Possible Rule Making: Chapter 284-50 WAC, Washington disability insurance regulation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.20.520, 48.30.010, 48.44.050, 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This chapter is being reviewed under the commissioner's regulatory improvement program. Provisions of the chapter were nominated as regulatory schemes or rules that may need to be altered. The commissioner will consider amending or repealing existing sections or adding new sections to improve the clarity and efficiency of the rules in the chapter. Updates to the language,

WAC references, and regulatory schemes of every rule and regulation within the chapter will be considered.

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

Process for Developing New Rule: Agency study; and send comments by July 31, 1998 to Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, FAX (360) 407-0186, Internet KacyB@oic.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, phone (360) 407-0729, FAX (360) 407-0186, Internet KacyB@oic.wa.gov.

June 15, 1998

Greg J. Scully

Chief Deputy Commissioner

WSR 98-13-097

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed June 17, 1998, 9:21 a.m.]

Subject of Possible Rule Making: SSB 6420 requires unemployment insurance claimants to register for job search in an electronic labor exchange system that supports direct employer access for the purpose of selecting job applicants.

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 50.20.010(1) Benefit eligibility conditions.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 50.20 RCW was amended by the 1998 legislature to ensure that unemployment insurance claimants are registered for job search in an electronic labor exchange that supports direct employer access for selecting job applicants. Definitions are required to clarify terminology such as what constitutes registration, exemptions to registration, penalties for failure to comply with registration, the time period for registration, the scope of employer access, and what information is provided in an electronic labor exchange.

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 will conduct informal public meeting[s] with interested individuals and stakeholders to gather their input and comments during the development of these regulations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, Program Coordinator,

UI Policy Unit, Employment Security Department, 212 Maple Park, Olympia, WA 98507-9046, phone (360) 902-9665, FAX (360) 902-9799, e-mail jmyers@wln.com. Individuals wishing to attend public meetings to provide input or participate in any discussions should contact the following individual to be placed on a mailing list to receive notification of the date, time and place of these meetings.

June 17, 1998
Carver Gayton
Commissioner

WSR 98-13-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed June 17, 1998, 9:41 a.m.]

Subject of Possible Rule Making: Establish a system safety program standard for municipal rail fixed guideway systems that are not regulated by the Federal Railroad Administration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.06.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Comply with mandatory federal regulations and ensure safe operation of municipal rail fixed guideway systems.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Supply annual reports to the Federal Transit Administration.

Process for Developing New Rule: Informal municipal review of preliminary drafts of the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pam Hughley, Public Transportation and Rail Division, P.O. Box 47387, Olympia, WA 98504-7387, phone (360) 705-7913, FAX (360) 705-6820. There will be at least one meeting, probably in Seattle, to exchange ideas about how to comply with the federal requirements within this proposed rule.

June 16, 1998
Gerald E. Smith
Deputy Secretary, Operations

WSR 98-13-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Board of Physical Therapy)
[Filed June 17, 1998, 10:07 a.m.]

Subject of Possible Rule Making: Mandatory reporting of unprofessional conduct by a licensed physical therapist.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.74.023(3) and 18.130.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is a potential for men-

tal or physical harm to consumers of physical therapy services if a licensed physical therapist acts in an unprofessional manner as defined in RCW 18.130.180. It is in the interest of consumer protection to require all licensed physical therapists who have knowledge that a physical therapist has committed unprofessional conduct to request all health care institutions, physical therapy associations, health care service contractors, disability insurance carriers, professional liability carriers, courts and state and federal agencies to report findings of unprofessional conduct. Considerations to modify existing rules on this subject are intended to clarify portions that are unclear and to correct portions that make reporting mandatory by individuals or organizations the board is not authorized to regulate.

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

Process for Developing New Rule: The board and program will use collaborative rule making to involve all interested parties in the development of rules pertaining to physical therapy practice. The repeal and/or revision of existing rules, the development of future rules and the dissemination of drafts will be provided to all interested parties for further comment and discussion prior to consideration to adopt by the Board of Physical Therapy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carol Neva, Program Manager, Board of Physical Therapy, 1300 S.E. Quince Street, P.O. Box 47868, Olympia, WA 98504-7868, phone (360) 753-3132, FAX (360) 753-0657.

April 29, 1998
Carol Neva
Program Manager

WSR 98-13-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Board of Physical Therapy)
[Filed June 17, 1998, 10:08 a.m.]

Subject of Possible Rule Making: Defining professional responsibilities, conduct and training for physical therapists, graduate physical therapists and supportive personnel.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.74.023 (3), (6) and (7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is a potential for significant patient harm due to inadequate training, incompetence or negligence in the supervision of physical therapist assistants or physical therapy aides for which there is no licensure requirement; or for graduate physical therapists under an interim permit who have little or no professional experience. Consideration to modify rules on these subjects are intended to prevent incompetence, negligence or malpractice by identifying professional responsibilities and specifying supervision and training requirements for personnel under the supervision of the licensed physical therapist.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of Superintendent of Public Instruction.

Process for Developing New Rule: The board and program will use collaborative rule making to involve all interested parties in the development of rules pertaining to physical therapy practice. The repeal and/or revision of existing rules, the development of future rules and the dissemination of drafts will be provided to all interested parties for further comment and discussion prior to consideration to adopt by the Board of Physical Therapy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carol Neva, Program Manager, Board of Physical Therapy, 1300 S.E. Quince Street, P.O. Box 47868, Olympia, WA 98504-7868, phone (360) 753-3132, FAX (360) 753-0657.

April 29, 1998

Carol Neva
Program Manager

WSR 98-13-105

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Physical Therapy)

[Filed June 17, 1998, 10:10 a.m.]

Subject of Possible Rule Making: Physical therapist assistant and physical therapy aide supervision ratio.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.74.023(3) and 18.74.010(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Consideration is being given to modify existing rules on this subject in light of the considerable controversy over whether or not to limit the number of supportive personnel to no more than two physical therapist assistants and aides per licensed physical therapist. While public comment supports the need to maintain a ratio through rule making, the board is soliciting the assistance of all interested parties to develop a reasonable requirement while maintaining public protection.

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

Process for Developing New Rule: The board and program will use collaborative rule making to involve all interested parties in the development of rules pertaining to physical therapy practice. The repeal and/or revision of existing rules, the development of future rules and the dissemination of drafts will be provided to all interested parties for further comment and discussion prior to consideration to adopt by the Board of Physical Therapy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carol Neva, Program Manager, Board of Physical Therapy, 1300 S.E. Quince Street, P.O. Box

47868, Olympia, WA 98504-7868, phone (360) 753-3132, FAX (360) 753-0657.

April 29, 1998

Carol Neva
Program Manager

WSR 98-13-106

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Physical Therapy)

[Filed June 17, 1998, 10:12 a.m.]

Subject of Possible Rule Making: Sexual misconduct involving a client or patient - definition.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.74.023(3), 18.74.025, 18.130.050(1) and 18.130.180(24).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The potential for mental and/or physical abuse exists when a physical therapist engages in any act involving the abuse of a patient or when a physical therapist engages in sexual contact with a patient. Consideration to adopt rules on this subject are intended to define sexual contact and to provide specifications for maintaining appropriate boundaries in the course of providing physical therapy care.

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

Process for Developing New Rule: The board and program will use collaborative rule making to involve all interested parties in the development of rules pertaining to physical therapy practice. The repeal and/or revision of existing rules, the development of future rules and the dissemination of drafts will be provided to all interested parties for further comment and discussion prior to consideration to adopt by the Board of Physical Therapy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carol Neva, Program Manager, Board of Physical Therapy, 1300 S.E. Quince Street, P.O. Box 47868, Olympia, WA 98504-7868, phone (360) 753-3132, FAX (360) 753-0657.

April 29, 1998

Carol Neva
Program Manager

WSR 98-13-107

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Physical Therapy)

[Filed June 17, 1998, 10:13 a.m.]

Subject of Possible Rule Making: Education and examination requirements for applicants of physical therapy licensure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.74.023 (1), (2) and (3) and 18.74.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A potential exists for negligence, incompetence and malpractice due to inadequately trained physical therapists. Consideration to modify existing rules is intended to develop a process for strengthening education requirements so that consumers may be assured of receiving only skilled, competent physical therapy care and for limiting the numbers of unsuccessful attempts to pass the National Physical Therapy Examination after candidates have completed remedial education and/or additional college level course work.

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

Process for Developing New Rule: The board and program will use collaborative rule making to involve all interested parties in the development of rules pertaining to physical therapy practice. The repeal and/or revision of existing rules, the development of future rules and the dissemination of drafts will be provided to all interested parties for further comment and discussion prior to consideration to adopt by the Board of Physical Therapy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carol Neva, Program Manager, Board of Physical Therapy, 1300 S.E. Quince Street, P.O. Box 47868, Olympia, WA 98504-7868, phone (360) 753-3132, FAX (360) 753-0657.

April 29, 1998
Carol Neva
Program Manager

WSR 98-13-108

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed June 17, 1998, 10:14 a.m.]

Subject of Possible Rule Making: Chapter 246-217 WAC, Food and beverage service worker's permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.06.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1998 legislature revised chapter 69.06 RCW. These statutory changes require the State Board of Health to develop rules establishing minimum training requirements for five-year food worker permit renewals. Other issues including limited duty permits, minimum training requirements for all food worker permits, and obsolete/unclear language may also be addressed as a result of the rule review required by Executive Order 97-02 and State Board of Health recommendations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other state or federal agencies that regulate this subject. However, local health jurisdictions are responsible for implementing and enforcing food worker permit pro-

grams. Representatives from local health jurisdictions will be actively involved in rule development and coordination.

Process for Developing New Rule: The Food Safety Enhancement Advisory Committee (FSEAC) will advise the State Board of Health on rule development. There will be public meetings and mailings to gather input for rule development.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bert Bartleson, Community Environmental Health, P.O. Box 47826, Olympia, WA 98504, Internet CAB0303@hub.doh.wa.gov. (360) 236-3071; or Janet Anderberg, 1511 3rd Avenue, Suite 700, Seattle, WA 98501-1549, Internet jla1303@hub.doh.wa.gov, (206) 464-7417; or FAX (360) 236-2251. Interested parties may join rule formation workgroups or may request to be placed on a mailing list to receive information about other comment opportunities.

June 15, 1998
Sylvia J. Beck
Executive Director

WSR 98-13-116

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. UT-980774—Filed June 17, 1998, 11:35 a.m.]

Subject of Possible Rule Making: Equal access dialing parity for local and long distance service. The commission is seeking comments on (1) whether it should adopt rules governing the implementation of the equal access dialing parity requirement of Section 251 (b)(3) of the Telecommunications Act of 1996 and (b) if state rules should be adopted, whether the commission should adopt the same rules as the Federal Communications Commission.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, chapter 80.36 RCW, 47 U.S.C. Section 251, and chapter 337, Laws of 1998.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Federal law, 47 U.S.C. 251 (b)(3), states "OBLIGATIONS OF ALL LOCAL EXCHANGE CARRIERS.—Each local exchange carrier has the following duties: . . . (3) DIALING PARITY.—The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." Equal access dialing parity is known as "1+" dialing. The Federal Communications Commission (FCC) adopted rules implementing the dialing parity requirements, but these rules were struck down by a federal court. The court said that only state commissions, rather than the FCC, have authority to issue these dialing parity rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Communications Commission regulates equal access dialing parity for interstate services. The commission

will consider the FCC equal access requirements in developing any state rules.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments. The commission will schedule one or more workshops with representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, 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-980774, not later than July 10, 1998. 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. Comments also can be sent by electronic mail, referencing Docket No. UT-980774, to comments@wutc.wa.gov. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. The commission will schedule a workshop style meeting if comments indicate that such a session is needed and would be productive.

June 17, 1998

C. Robert Wallis
for Carole J. Washburn
Secretary

on the process of entry and increase ease in compliance. Commission also wants to review affected rules pursuant to 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: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments. The commission will schedule one or more workshops with representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, 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-980083, not later than July 15, 1998. 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. The commission will schedule a workshop style meeting if comments indicate that such a session is needed and would be productive.

June 17, 1998

C. Robert Wallis
for Carole J. Washburn
Secretary

WSR 98-13-117

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. UT-980083—Filed June 17, 1998, 11:37 a.m.]

Subject of Possible Rule Making: The commission wants to explore simplifying and integrating the processes of registration, competitive classification, and filing of price lists for telecommunications companies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, and chapter 337, Laws of 1998.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission has informally explored integrating parts of the application process that enable entry into telecommunications business in Washington and believes that changes to rules may reduce burdens

WSR 98-13-119

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 17, 1998, 11:42 a.m.]

Subject of Possible Rule Making: Chapter 16-565 WAC, Washington Cranberry Commission, nomination and election of board members.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Washington State Agricultural Enabling Act, chapter 15.65 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Candidates for membership on the board of the Cranberry Commission are currently nominated during annual meetings held in the district in which the vacancy occurs. This rule change will allow nom-

inations to be conducted by mail petitions, if recommended by the board and approved by the director of agriculture. The mail petition procedure will save the commission and the Department of Agriculture staff time and money.

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

Process for Developing New Rule: The Washington State Agricultural Enabling Act of 1961 and the cranberry marketing order, chapter 16-565 WAC, authorizes the board of the Cranberry Commission to adopt rules of administrative nature subject to the procedures of the Administrative Procedure Act.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Walter Swenson, Agricultural Programs Administrator, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, FAX (360) 902-2092. A public hearing will be set to give interested parties an opportunity to participate and comment on the proposed rule change.

June 17, 1998

Walter Swenson
Agricultural Programs Administrator

WSR 98-13-120

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 17, 1998, 11:43 a.m.]

Subject of Possible Rule Making: Chapter 16-561 WAC, Washington Red Raspberry Commission, marketing order purposes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Washington Agricultural Enabling Act, chapter 15.65 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule change will amend the raspberry marketing order and allow the board of the Raspberry Commission to adopt rules providing for uniform grades and standards.

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

Process for Developing New Rule: The amendment to the raspberry marketing order shall be accomplished according to procedures set forth in chapter 15.65 RCW, Washington State Agricultural Enabling Act of 1961, which includes conducting a referendum vote of the affected producers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Walter Swenson, Agricultural Programs Administrator, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, FAX (360) 902-2092. A public hearing will

be set to give interested parties an opportunity to participate and comment on the proposed marketing order.

June 17, 1998

William E. Brookreson
Assistant Director
Agency Operations

WSR 98-13-123

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 17, 1998, 11:46 a.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will propose the following: (1) Adopt the 1999 National Electrical Code per RCW 19.28.060(1); (2) incorporate various electrical board policies into electrical rules per Executive Order 97-02 mandate; (3) implement recent amendments to chapter 19.28 RCW, Laws of 1998 (2SSB 6168) by proposing appropriate electrical rules for temporary worker housing; (4) implement recent amendments to chapter 19.28 RCW, Laws of 1998 (SB 6604) by proposing rules exempting generator manufacturers from the licensing requirements of chapter 19.28 RCW when performing work on "premanufactured power generation equipment assemblies and control gear involving the testing, repair, modification, maintenance, or installation of components internal to the power generation equipment, the control gear, or the transfer switch"; and (5) other amendments to chapters 296-46 and 296-401A WAC as needed to clarify technical or certification requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The development of proposed rules for temporary worker housing will necessitate coordinating with the Washington State Department of Health. This coordination will occur in conjunction with the Department of Health's adoption of its rules governing temporary worker housing.

Process for Developing New Rule: The department in conjunction with the Electrical Board and the electrical industry will develop the proposed amendments. All proposed amendments will be extensively stakeholdered under the leadership of the chief electrical inspector and the Electrical Board. The proposed amendments will be developed and adopted following the process mandated by the Administrative Procedure Act.

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, Department of Labor and Industries, Specialty Compliance

Services Division, P.O. Box 44460, Olympia, WA 98504-4460, phone (360) 902-5249, FAX (360) 902-5292.

June 15, 1998

Gary Moore
Director

lication by contacting Jan Gould, Chief Elevator Inspector, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44480, Olympia, WA 98504-4480, phone (360) 902-6128, FAX (360) 902-6132.

June 15, 1998

Gary Moore
Director

WSR 98-13-124

PREPROPOSAL STATEMENT OF INQUIRY

**DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 17, 1998, 11:47 a.m.]

Subject of Possible Rule Making: The department will propose redrafting the following rules into one chapter governing all elevators, lifts and other such conveyances: Chapter 296-81 WAC, Safety rules governing elevators, dumbwaiters, escalators and other lifting devices—Moving walks; chapter 296-82 WAC, Safety standards for existing belt manlifts; chapter 296-84 WAC, Hand power manlifts; chapter 296-85 WAC, Mechanized parking garage equipment; chapter 296-86A WAC, Regulations and fees for all elevators, dumbwaiters, escalators and other lifting devices; chapter 296-87 WAC, Safety requirements for workmen's construction elevators; chapter 296-89 WAC, Safety requirements for boat launching elevators; chapter 296-91 WAC, Safety regulations for casket lifts in mortuaries; chapter 296-93A WAC, Material lifts; chapter 296-94 WAC, Safety rules governing the construction, operation, maintenance and inspection of inclined passenger lifts for private use; chapter 296-95 WAC, Electric elevators—Direct plunger and roped hydraulic elevators—Escalators used to transport passengers—Electric and hand-powered dumbwaiters and hand-powered elevators; and chapter 296-100 WAC, Safety requirements for material hoists.

The department will also propose rules to implement recent legislation governing conveyances in grain elevators and grain terminals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.87 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As a result of its Executive Order 97-02 review, the elevator program has concluded that all existing elevator WAC chapters can be repealed and their updated content be included in a new elevator WAC chapter tentatively entitled, chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators and other lifting devices. Also, in response to recent legislation, the department plans to incorporate a clearly written subdivision regulating electric manlifts into chapter 296-96 WAC. Major portions of this new rule will be written in a clear rule style.

Process for Developing New Rule: The proposed amendments will be extensively stakeholdered under the leadership of the chief elevator inspector. The amendments will be developed with the help of an ad hoc committee representing the industry and adopted following the process mandated by the Administrative Procedure Act.

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



WSR 98-13-060

EXPEDITED REPEAL

DEPARTMENT OF TRANSPORTATION

[Filed June 12, 1998, 8:57 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 468-30-030 Prohibition of fishing from bridges.

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: David K. Peach, State Traffic Engineer, Washington State Department of Transportation, P.O. Box 47433, Olympia, WA 98504-7340.

Reason the Expedited Repeal of the Rule is Appropriate: Traffic regulations are exempt from the rule-making process. WAC 468-30-030 can be repealed. As an alternative to rules, the regional administrators have been delegated the authority to prohibit fishing from bridges.

June 11, 1998

Gerald E. Smith

Deputy Secretary, Operations

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-30-030 Prohibition of fishing from bridges.

WSR 98-13-096

EXPEDITED REPEAL

DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed June 17, 1998, 9:02 a.m.]

The Following Sections are Proposed for Expedited Repeal: All sections of chapter 50-52 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.

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 Zachary, Director of Banks, Department of Financial Institutions, 210 11th Avenue S.W., Suite 300, P.O. Box 41200, Olympia, WA 98504-1200.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 50-52 WAC is based on chapter 31.30 RCW, which was repealed during the 1998 legislative session.

June 17, 1998

G. R. Zachary

Assistant Director

EXPEDITED REPEAL



WSR 98-11-084
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 19, 1998, 3:02 p.m.]

Preproposal statement of inquiry was filed as WSR 97-20-120.

Title of Rule:

Original Notice.

NEW CHAPTERS:	
Title of rule:	Summary:
CHAPTER 388-400 WAC PROGRAM SUMMARY	Summarizes assistance eligibility requirements by program.
CHAPTER 388-404 WAC AGE REQUIREMENTS	Describes age requirements that apply to DSHS assistance programs.
CHAPTER 388-406 APPLICATIONS	Explains how the department accepts and processes an application for assistance.
CHAPTER 388-408 WAC ASSISTANCE UNITS	Explains how different public assistance programs determine who makes up a single household.
CHAPTER 388-410 WAC BENEFIT ERROR	Explains how program overpayments are determined and the methods used for collection.
CHAPTER 388-412 WAC BENEFIT ISSUANCES	Explains how the department issues benefits for public assistance.
CHAPTER 388-414 WAC CATEGORICAL ELIGIBILITY FOR FOOD ASSISTANCE	Explains that when a client is already eligible for certain programs, they are automatically eligible for food assistance.
CHAPTER 388-416 WAC CERTIFICATION PERIODS	Explains how long an eligible client can receive assistance before the department rechecks eligibility.
CHAPTER 388-418 WAC CHANGE OF CIRCUMSTANCE	Explains which changes in circumstance clients must report to the department.
CHAPTER 388-420 WAC CHEMICAL DEPENDENCY FOOD ASSISTANCE	Describes when clients are eligible for food assistance while receiving alcohol or drug treatment.
CHAPTER 388-422 WAC CHILD SUPPORT	Explains child support requirements that clients must meet in order to be eligible for assistance.
CHAPTER 388-424 WAC CITIZENSHIP/ALIEN STATUS	Explains citizenship requirements for public assistance.
CHAPTER 388-426 WAC CLIENT COMPLAINTS	Provides for a complaint procedure for clients of assistance programs.
CHAPTER 388-428 WAC CONFIDENTIALITY	Explains which client information the department can disclose for assistance programs and which is confidential.
CHAPTER 388-430 WAC DEPRIVATION	Describes the factors which are considered when determining if a child is deprived of parental support.
CHAPTER 388-434 WAC ELIGIBILITY REVIEWS AND RECERTIFICATIONS	Describes how the department reviews eligibility for cash and medical assistance benefits and how they recertify food assistance eligibility periodically.
CHAPTER 388-436 EMERGENCY ASSISTANCE FOR CASH	Defines criteria for programs to provide cash assistance to clients under special or emergency circumstances.
CHAPTER 388-437 WAC EMERGENCY ASSISTANCE FOR FOOD STAMPS	Explains the conditions under which food stamps are available in a disaster.
CHAPTER 388-438 WAC MEDICALLY INDIGENT	Explains who can receive services under special emergency medical assistance programs.

PROPOSED

NEW CHAPTERS:	
Title of rule:	Summary:
CHAPTER 388-440 WAC EXCEPTIONS TO RULE	Explains circumstances under which the secretary of DSHS may grant an exception to policy requirements for an individual client.
CHAPTER 388-442 WAC FELONS	Explains under what circumstances a felon is eligible for public assistance.
CHAPTER 388-444 WAC FOOD STAMP EMPLOYMENT AND TRAINING	Tells which clients have to participate in employment or training in order to receive assistance. Explains how these mandates relate to food assistance eligibility.
CHAPTER 388-446 WAC FRAUD	Describes what happens to clients suspected or convicted of committing fraud to receive assistance benefits.
CHAPTER 388-448 WAC INCAPACITY	Describes which clients meet definitions for general assistance-unemployable benefits and which children are considered deprived of parental support due to capacity.
CHAPTER 388-450 WAC INCOME	Describes what is considered as income and how income affects a client's eligibility for cash, medical and food assistance.
CHAPTER 388-452 WAC INTERVIEW REQUIREMENTS	Sets minimum criteria for client interviews for assistance programs.
CHAPTER 388-454 WAC LIVING WITH A RELATIVE	Explain which relatives a child must live with to be eligible for assistance.
CHAPTER 388-456 WAC MONTHLY REPORTING	Explains when clients have to file monthly reports to remain eligible for assistance.
CHAPTER 388-458 WAC NOTICES TO CLIENTS	Sets criteria for when and how DSHS has to provide formal notice to a client before taking action.
CHAPTER 388-460 WAC PAYEES ON WARRANTS	Explains how the department decides whose name to issue an assistance payment to in a household.
CHAPTER 388-462 WAC PREGNANCY	Explains the assistance programs available to women when they are pregnant.
CHAPTER 388-464 WAC QUALITY ASSURANCE	Requires certain clients to cooperate with the quality assurance review process in Economic Services Administration.
CHAPTER 388-466 WAC REFUGEE PROGRAM	Explains eligibility requirements for refugee assistance.
CHAPTER 388-468 WAC RESIDENCY	Sets residency rules for public assistance eligibility.
CHAPTER 388-470 WAC RESOURCES	Explains how many assets a person may have and still be eligible for assistance benefits.
CHAPTER 388-472 WAC RIGHTS AND RESPONSIBILITIES	Sets out mandated rights and responsibilities for clients.
CHAPTER 388-474 WAC SUPPLEMENTAL SECURITY INCOME	Describes who may qualify for SSI benefits, what coverage is available, under what conditions they can be terminated and what happens for overpayments or duplicate payments.
CHAPTER 388-476 WAC SOCIAL SECURITY NUMBER	Tells when a social security number is a requirement and describes requirements when a social security number is not available for assistance programs.
CHAPTER 388-478 WAC STANDARDS FOR PAYMENTS	Defines maximum and minimum payment standards for assistance programs.
CHAPTER 388-480 WAC STRIKERS	Describes assistance eligibility provisions that apply when a person is on strike.
CHAPTER 388-482 WAC STUDENT STATUS	Explains which students are eligible for food assistance.
CHAPTER 388-484 WAC TANF/SFA FIVE YEAR TIME LIMIT	Provides for a limit to the length of time a person may receive assistance under Temporary Assistance for Needy Families or State Family Assistance programs.

PROPOSED

NEW CHAPTERS:	
Title of rule:	Summary:
CHAPTER 388-486 WAC TEEN PARENT	Explains eligibility criteria for unmarried pregnant or parenting teens to receive assistance.
CHAPTER 388-488 WAC TRANS- FER OF PROPERTY	Describes what happens to assistance eligibility when a client transfers property to another person.
CHAPTER 388-490 WAC VERIFI- CATION	Lists mandatory verification requirements and criteria for additional verification requests needed to determine eligibility for assistance.

AMENDED RULES:	
WAC 388-86-027	Describes requirements for the Healthy Kids program.
WAC 388-501-0135	Explains the program for clients needing help in the appropriate use of medical services.
WAC 388-505-0540	Assigns rights for medical programs.
WAC 388-538-060	Explains who is eligible for healthy options programs.
WAC 388-538-080	Explains who is exempt from healthy options programs.
WAC 388-538-095	Explains healthy options scope of care.
WAC 388-538-130	Explains who is removed from healthy options programs.

NEW RULES:	
WAC 388-503-0505	Defines eligibility for medical assistance programs.
WAC 388-503-0510	Defines eligibility for categorical medical.
WAC 388-503-0515	Explains who is automatically eligible for CN medical.
WAC 388-503-0520	Explains who on TANF is automatically eligible for CN medical.
WAC 388-505-0110	Describes medical assistance coverage for adults who can't be covered under Family Medical.
WAC 388-505-0210	Describes children's Medicaid eligibility.
WAC 388-505-0220	Describes medical eligibility for families.
WAC 388-517-0300	Explains the programs that help clients pay Medicare coverage out-of-pocket costs.
WAC 388-519-0100	Explains the medically needy program.
WAC 388-519-0110	Explains how a person may be eligible for medical assistance if their income exceeds specific limits.
WAC 388-519-0120	Explains additional "Spenddown" requirements.
WAC 388-523-0100	Explains when medical assistance benefits may be extended.
WAC 388-529-0100	Describes the scope of covered medical services available to clients in medical programs.
WAC 388-529-0200	Describes the medical services available to eligible clients.

REPEALED RULES:	
Title of Rule:	
Chapter 388-49 WAC	FOOD ASSISTANCE PROGRAMS
WAC 388-55-0006	Summary of eligibility conditions
WAC 388-55-0008	Eligibility conditions—Refugee status
WAC 388-55-0010	Common eligibility conditions
WAC 388-55-0020	Work and training eligibility conditions
WAC 388-55-0030	Treatment of income and resources
WAC 388-55-0040	Refugee medical assistance
WAC 388-55-0060	Refugee notification and referral
WAC 388-200-1100	Grievance procedures
WAC 388-200-1150	Exception to rule
Chapter 388-210 WAC	APPLICATIONS FOR ASSISTANCE

PROPOSED

REPEALED RULES:	
Title of Rule:	
Chapter 388-212 WAC	VERIFICATION OF ELIGIBILITY
Chapter 388-215 WAC	AID TO FAMILIES WITH DEPENDENT CHILDREN—CATEGORICAL ELIGIBILITY
Chapter 388-216 WAC	RESOURCE ELIGIBILITY
Chapter 388-217 WAC	TRANSFER OF PROPERTY
Chapter 388-218 WAC	AID TO FAMILIES WITH DEPENDENT CHILDREN—INCOME POLICIES
Chapter 388-219 WAC	GENERAL ASSISTANCE—INCOME POLICIES
Chapter 388-220 WAC	STATE FAMILY ASSISTANCE
Chapter 388-225 WAC	CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM—CEAP
Chapter 388-230 WAC	GENERAL ASSISTANCE FOR PREGNANT WOMEN
Chapter 388-233 WAC	GENERAL ASSISTANCE FOR CHILDREN
WAC 388-235-0010	Purpose of program
WAC 388-235-0020	Definitions
WAC 388-235-0030	Summary of eligibility conditions
WAC 388-235-0040	Assistance unit
WAC 388-235-0050	Age requirements
WAC 388-235-0060	Residence—Establishing
WAC 388-235-0070	Residence—Temporary absences
WAC 388-235-0080	Residence—Applicant living in another state
WAC 388-235-0090	Residence—Applicant receiving assistance from another state
WAC 388-235-0100	Citizenship and alien status
WAC 388-235-0110	Social Security number
WAC 388-235-2000	Resources
WAC 388-235-3000	Income
WAC 388-235-4000	GAU payment and need standards
Chapter 388-245 WAC	MAINTENANCE OF GRANT PROGRAMS
Chapter 388-250 WAC	GRANT STANDARDS
WAC 388-255-1350	Additional requirements for emergent situations
WAC 388-255-1400	One-time grant—Authorization—Disbursement
WAC 388-265-1010	Grant payment—General provisions
WAC 388-265-1050	Grant authorization
WAC 388-265-1100	Grant payee
WAC 388-265-1550	Client notification of protective payee or vendor payee
WAC 388-265-1700	Confidential information—Protective payee or vendor payee
WAC 388-265-1800	Warrant endorsement
WAC 388-265-1850	Warrant delivery
WAC 388-265-1900	Warrant cancellation
WAC 388-265-1950	Loss, theft, or destruction of a client's warrant
WAC 388-265-2000	Loss, theft, or destruction of a vendor warrant
Chapter 388-270 WAC	INCORRECT PAYMENTS
WAC 388-275-0020	SSI: Definitions
WAC 388-275-0030	SSI: Administrative responsibilities
WAC 388-275-0050	SSI: Waiver of state supplement
WAC 388-275-0060	SSI: Payments
WAC 388-275-0070	SSI: Termination of state supplement
WAC 388-275-0090	SSI: Representative payee

Summary of Repealed Rules:

The rules being repealed have been consolidated, shortened and simplified by a special task team with members from Economic Services and Medical Assistance Administrations to comply with criteria in the Governor's Executive Order 97-02. No program policy has been changed. These current rules are being repealed and the revised version of the rules proposed for adoption as part of new chapter 388-400 WAC.

Purpose: To consolidate and simplify program and eligibility requirements for cash, food, and medical assistance to comply with criteria in the Governor's Executive Order 97-02.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.090.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.090.

Summary: See Title of Rule above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Roxie Schalliol, 14th and Jefferson, Mailstop 4-5070, Olympia, 98504, (360) 902-7791.

Name of Proponent: Department of Social and Health Services, governmental.

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

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

Proposal Changes the Following Existing Rules: Current rules (see Title of Rule above for the complete list by number) are being amended or repealed, and new rules proposed under new chapter 388-400 WAC.

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

RCW 34.05.328 does not apply to this rule adoption. These rules are not considered significant rules because they do not change existing policy.

Hearing Location: There will be two hearings held on July 21, 1998, one in Olympia and one in Spokane. Maps and/or directions are available for both locations. Olympia Hearing: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, at 10:00 a.m. Spokane Hearing: DSHS/DDD-Field Services, West 1611 Indiana, Training Room, Spokane, WA 99205, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Paige Wall by July 12, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by July 21, 1998.

Date of Intended Adoption: July 28, 1998.

May 19, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Chapter 388-400 WAC**PROGRAM SUMMARY****NEW SECTION**

WAC 388-400-0005 Temporary assistance for needy families—General eligibility requirements. (1) To be eligible for temporary assistance for needy families (TANF), a child must:

(a) Meet the age requirements under WAC 388-404-0005;

(b) Live in the home of a relative as required under chapter 388-454 WAC;

(c) Be deprived of parental support and care as required under chapter 388-430 WAC; and

(d) Live with a parent who is not ineligible for TANF due to the time limit requirements of WAC 388-484-0005.

(2) To be eligible for TANF, a person must:

(a) Meet the citizenship/alien status requirements of WAC 388-424-0005;

(b) Reside in the state of Washington, or, if a child, live with a parent or other relative who meets the state residency requirements of WAC 388-468-0005;

(c) Be in financial need as specified under chapters 388-450, 388-470 and 388-488 WAC;

(d) Assign any rights to child support and cooperate in establishing paternity and collecting child support as required under chapter 388-422 WAC;

(e) Provide a Social Security number as required under WAC 388-476-0005;

(f) Cooperate in a review of eligibility as required under WAC 388-434-0005;

(g) Cooperate in a quality assurance review as required under WAC 388-464-0005;

(h) Participate in the WorkFirst program as required under chapter 388-310 WAC;

(i) Not be participating in a strike as defined under WAC 388-480-0005;

(j) Report circumstances monthly as required under chapter 388-456 WAC;

(k) Report changes of circumstances as required under chapter 388-418 WAC; and

(l) If a pregnant woman who is not otherwise eligible for TANF; meet the requirements of WAC 388-462-0010.

(3) TANF assistance units for children and caretaker relatives are established according to chapter 388-408 WAC.

(4) The following persons are not eligible for TANF:

(a) Persons convicted of certain felonies and other crimes as specified in chapter 388-442 WAC; and

(b) Persons convicted of unlawful practices in obtaining public assistance as specified in chapter 388-446 WAC.

PROPOSED

(5) Unmarried pregnant and parenting teens must meet the living arrangement and school attendance requirements of chapter 388-486 WAC.

NEW SECTION

WAC 388-400-0010 State family assistance—Summary of eligibility requirements. (1) To be eligible for state family assistance (SFA), a person must:

(a) Meet all temporary assistance for needy families (TANF) eligibility requirements except those for citizenship and alien status; and

(b) Be lawfully admitted for permanent residence as specified in WAC 388-424-0015.

(2) An assistance unit is not eligible for SFA if it includes an adult who has received SFA, TANF, or a combination of SFA and TANF for a total of sixty months since August 1, 1997. Months are disregarded as specified under WAC 388-484-0005 when calculating the number of months an adult family member has received SFA or TANF.

(3) Assistance units for families with members who meet SFA and TANF citizenship/alien status requirements will be established under the TANF assistance unit rules in chapter 388-408 WAC.

NEW SECTION

WAC 388-400-0015 General assistance for children—Summary of eligibility requirements. (1) To be eligible for general assistance for children (GA-H), a child must

(a) Live with a court-appointed legal guardian or court appointed permanent custodian as required under chapter 388-454 WAC;

(b) Meet the general assistance citizenship/alien status requirements under WAC 388-424-0005(3);

(c) Be in financial need according to temporary assistance for needy families (TANF) income and resource rules in chapters 388-450, 388-470 and 388-488 WAC, except that child support received is considered the child's unearned income; and

(d) Meet all other requirements of a child eligible for except citizenship/alien status and requirements to:

(i) Live with a relative of specified degree; and

(ii) Participate in WorkFirst activities if not in school.

(2) A child is not eligible for GA-H if:

(a) The child is eligible for or receives TANF or Supplemental Security Income (SSI), or

(b) The child or the child's caretaker has refused or failed to cooperate in obtaining TANF or SSI on behalf of the child.

(3) A GA-H assistance unit is established as specified in WAC 388-408-0010.

(4) The child's custodian or payee is the GA-H grant payee.

NEW SECTION

WAC 388-400-0020 General assistance for pregnant women—General eligibility requirements. (1) To be eligible for general assistance for pregnant women (GA-S), a

woman must meet the requirements of WAC 388-462-0005; and

(a) Meet the general assistance citizenship/alien status requirements under WAC 388-424-0005(3);

(b) Be in financial need according to temporary assistance for needy families (TANF) income and resource rules in chapters 388-450, 388-470 and 388-488 WAC;

(c) Provide a Social Security number as required under WAC 388-476-0005; and

(d) Reside in the state of Washington as required under WAC 388-468-0005.

(2) A woman is not eligible for GA-S if she:

(a) Is eligible for or her needs are being met by the Supplemental Security Income (SSI) program;

(b) Is under sanction for failing to comply with SSI requirements; or

(c) Fails or refuses to cooperate without good cause in obtaining SSI.

(3) The assistance unit for a woman applying for or receiving GA-S will be established according to WAC 388-408-0010.

(4) Unmarried pregnant teens must meet the living arrangement requirements of WAC 388-486-0005.

(5) A pregnant woman in an institution may be eligible for GA-S as specified under WAC 388-230-0080.

NEW SECTION

WAC 388-400-0025 General assistance unemployable—General eligibility requirements. (1) To be eligible for general assistance - unemployable (GA-U), a person must:

(a) Be incapacitated as required under WAC 388-235-5000 through 388-235-6000;

(b) Meet the age requirement of WAC 388-404-0010;

(c) Be in financial need according to GA-U income and temporary assistance for needy families (TANF) resource rules in chapters 388-450, 388-470 and 388-488 WAC;

(d) Meet the general assistance citizenship/alien status requirements under WAC 388-424-0005(3);

(e) Provide a Social Security number as required under WAC 388-476-0005;

(f) Reside in the state of Washington as required under WAC 388-468-0005;

(g) Undergo a treatment and referral assessment as provided under WAC 388-235-7000 through 388-235-7600;

(h) Assign interim assistance as provided under WAC 388-235-9200 and 388-235-9300;

(i) Not be eligible for or receiving benefits from other programs as specified under WAC 388-235-9000.

(2) The assistance unit for a person applying for or receiving GA-U will be established according to WAC 388-408-0010.

(3) A person in an institution may be eligible for GA-U as specified under WAC 388-235-1500.

NEW SECTION

WAC 388-400-0030 Refugee cash assistance—Summary of eligibility requirements. (1) To be eligible for refugee cash assistance (RCA), persons must:

- (a) Provide the name of the voluntary agency (VOLAG) which resettled them; and
- (b) Meet the:
 - (i) Immigration status requirements of WAC 388-466-0005;
 - (ii) Work and training requirements of WAC 388-466-0015;
 - (iii) Income and resource requirements for under chapters 388-450 and 388-470 WAC with exceptions as provided under WAC 388-466-0010; and
 - (iv) Monthly reporting requirements of chapter 388-456 WAC.

(2) Persons are not eligible to receive RCA if they:

- (a) Are eligible for temporary assistance for needy families (TANF) or Supplemental Security Income;
- (b) Have been denied or terminated TANF due to intentional noncompliance with TANF eligibility requirements; or
- (c) Are full-time students in institutions of higher education unless the educational activity is part of a department-approved employability plan.

(3) Refugee families, including a families with children who are United States citizens, will be treated as single assistance units according to chapter 388-408 WAC.

(4) Eligibility and benefit levels for RCA assistance units are determined using the TANF payment standards in WAC 388-478-0020.

(5) Persons eligible for RCA are eligible for additional requirements for emergent situations as provided in chapter 388-436 WAC.

(6) A person meeting the requirements of this section is eligible for refugee cash assistance only during the eight-month period beginning in the first month the person entered the United States.

NEW SECTION

WAC 388-400-0035 Refugee medical assistance—Summary of eligibility requirements. (1) To be eligible for refugee medical assistance (RMA), persons must:

- (a) Provide the name of the voluntary agency (VOLAG) which resettled them; and
- (b) Meet the immigration status requirements of WAC 388-466-0005.

(2) Except for a person who is not eligible under subsection (3) of this section, a person is eligible for RMA if the person:

- (a) Receives refugee cash assistance (RCA); or
- (b) Is eligible for but chooses not to apply for or receive RCA.

(3) Persons are not eligible to receive RMA if they are:

- (a) Eligible for Medicaid;
- (b) Are not eligible for RCA because they have not met the employment and training requirements of WAC 388-466-0015; or

(c) Are full-time students in institutions of higher education unless the educational activity is part of a department-approved employability plan.

(4) Refugee families, including families with children who are United States citizens, will be treated as single assistance units according to chapter 388-408 WAC.

(5) A person meeting the requirements of this section is eligible for RMA only during the eight-month period beginning in the first month the person entered the United States.

(6) A recipient of RCA and RMA who becomes ineligible for RCA due to an increase in income remains eligible for extended RMA benefits until the end of the eighth month period following entry into the United States.

(7) A person will have his or her eligibility for RMA determined based on the rules for the medically needy program if the person is:

- (a) Not eligible for Medicaid; or
- (b) Not eligible for RCA because of excess income, unless the person is eligible for extended RMA under subsection (7) of this section.

NEW SECTION

WAC 388-400-0040 General eligibility requirements for the federal food assistance program. (1) Persons applying for benefits for the federal food assistance program must meet certain eligibility criteria established under the Food Stamp Act of 1977 as amended.

(2) When a person applies for benefits, a decision is made about who must be included in the assistance unit as specified under WAC 388-408-0035.

(3) After the assistance unit is determined, all members must:

(a) Be U.S. citizens or nationals as specified under WAC 388-424-0005(1); or

(b) Be qualified aliens as specified under WAC 388-425-0020;

(c) Be residents of the state of Washington as specified under chapter 388-468 WAC; and

(d) Provide Social Security numbers as specified under chapter 388-474 WAC.

(4) To be eligible, an assistance unit must:

(a) Have income at or below gross and net income standards unless excluded from these standards as specified under WAC 388-478-0060;

(b) Own resources at or below the applicable resource limits as specified in WAC 388-470-0005;

(c) Provide identity as specified under WAC 388-406-0015;

(d) Participate in the food stamp employment and training program (FSE&T) as specified under chapter 388-444 WAC;

(e) Meet the eligibility criteria for strikers as specified in chapter 388-480 WAC;

(f) Return a completed monthly report as required under chapter 388-456 WAC.

(5) Assistance units are allowed deductions from their income as specified under WAC 388-450-0200.

(6) Persons with disabilities may be allowed special consideration as explained in subsection (7), when the person:

PROPOSED

- (a) Receives SSI;
- (b) Receives disability payments:
 - (i) Under Titles I, II, XIV, or XVI of the Social Security Act;
 - (ii) From a local, state or federal government agency that considers the disability as permanent under section 221(i) of the Social Security Act;
 - (iii) From the Railroad Retirement Act under sections 2(a)(1)(iv) and (v) and meets Title XIX disability elements or is eligible for Medicare.
- (c) Receives disability-related medical assistance under Title XIX of the Social Security Act;
- (d) Is a veteran and receives disability payments rated at one hundred percent;
- (e) Is a spouse of a veteran and:
 - (i) Is in need of an attendant or permanently housebound;
- or
- (ii) Has a disability as described under section 221(i) of the Social Security Act and entitled to death or pension payments under Title 38 of the USC.

(7) The following persons applying for food assistance are denied benefits:

- (a) Students attending an institution of higher education when the student does not meet the eligibility factors as specified under WAC 388-482-0005; and
 - (b) Able-bodied adults without dependents who are no longer eligible under WAC 388-444-0045.
- (8) The following persons applying for food assistance are denied benefits but some of their income and all of their resources are considered available to the eligible assistance unit members:

- (a) Fugitive felons including probation and parole violators and felons convicted of drug-related felonies as specified under chapter 388-442 WAC;
- (b) Persons failing to attest to citizenship or alien status under WAC 388-408-0035(9);
- (c) Persons disqualified for:
 - (i) An intentional program violation as specified under WAC 388-446-0015;
 - (ii) Failure to provide a Social Security number under chapter 388-476 WAC; or
 - (iii) Not participating with work requirements as specified under chapter 388-444 WAC; or
 - (d) Persons who are ineligible aliens under WAC 388-450-0155.

Chapter 388-404 WAC

AGE REQUIREMENTS

NEW SECTION

WAC 388-404-0005 Age of child eligible for TANF, SFA and GA-H. To be eligible for temporary assistance for needy families (TANF), state family assistance (SFA) or general assistance for children (GA-H), a child must be:

- (1) Under age eighteen, or
- (2) Under age nineteen, and:
 - (a) Participating full-time in a secondary school program or the equivalent level of vocational or technical training; and

(b) Reasonably expected to complete the program by the end of the month in which the child reaches age nineteen.

NEW SECTION

WAC 388-404-0010 Age requirement for GA-U and ADATSA. To be eligible for general assistance - unemployed (GA-U) or the ADATSA program a person must be:

- (1) Eighteen years of age or older; or
- (2) For GA-U only, if under eighteen years of age, a member of a married couple:
 - (a) Residing together, or
 - (b) Residing apart solely because a spouse is:
 - (i) On a visit of ninety days or less;
 - (ii) In a public or private institution;
 - (iii) Receiving care in a hospital, long-term care facility or chemical dependency treatment facility; or
 - (iv) On active duty in the uniformed military services of the United States.

NEW SECTION

WAC 388-404-0015 Definition of elderly person for food and cash assistance programs. For food and cash assistance, "elderly person" means a person sixty years of age or older.

Chapter 388-406 WAC

APPLICATIONS

NEW SECTION

WAC 388-406-0005 Who may apply. Any person may file an application for cash, medical or food assistance.

- (1) For food assistance, applications may be made by a responsible household member or an authorized representative.
- (2) For medical and cash assistance, an application may be made by:
 - (a) Persons applying on their own behalf or on behalf of their dependents;
 - (b) A legal guardian or caretaker applying on behalf of a minor or incompetent person; or
 - (c) Any other person acting on behalf of the applicant when application cannot be made under one of the preceding methods. The person must indicate the reason the applicant is not able to apply on his or her own behalf.
- (3) For GA-U and medical programs, a Washington state resident who is temporarily living out of the state may apply through a person or agency acting on the client's behalf.

NEW SECTION

WAC 388-406-0010 Filing an application. (1) When the request is made in the applicant's local CSO during regular business hours.

- (a) A household applying for food, medical and/or cash assistance may do so by submitting a single request for benefits.

(b) For food assistance, a household consisting only of clients applying for or receiving SSI may file an application at the local Social Security Administration District Office (SSADO).

(c) Clients who receive SSI will be authorized medical assistance without being required to file a separate application with the department.

(2) A completed request for benefits must:

(a) Include the name and address of the applicant;

(b) Indicate the type of assistance requested (i.e., food, medical and/or cash assistance);

(c) For medical and cash assistance, provide:

(i) The applicant's telephone number, if known; and

(ii) The names, birthdates and social security numbers, if known, of all persons for whom assistance is requested; and

(d) For TANF and SFA, the names, birthdates and social security numbers, if known, of:

(i) All children under the age of nineteen who are living in the home and who are siblings of any child for whom assistance is being requested; and

(ii) All parents, if living in the home, of any child for whom assistance is requested.

NEW SECTION

WAC 388-406-0015 Expedited service for food assistance. (1) Households eligible for expedited service will receive food assistance benefits by the end of the fifth calendar day from the date of application. For SSI recipients, this time frame begins on the date the:

(a) Applicant's local CSO receives the application of a noninstitutionalized SSI household; or

(b) Applicant is released from a public institution.

(2) Applicants are eligible for expedited service when the household:

(a) Has liquid resources of one hundred dollars or less and has gross monthly income under one hundred fifty dollars; or

(b) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent and applicable utility allowance; or

(c) Includes all members who are homeless; or

(d) Includes a destitute migrant or seasonal farmworker, as defined in WAC 388-406-0020, whose liquid resources do not exceed one hundred dollars.

(3) A household must provide verification of:

(a) The identity of the applicant; or

(b) The identity of the authorized representative who is applying for the household; and

(c) Other eligibility factors that can be verified within the five day time period

(4) A household is not limited to the number of times it can receive expedited service if, following the last expedited certification, the household:

(a) Completes the postponed verification requirements; or

(b) Was certified by the regular nonexpedited processing methods.

(5) When a household is eligible for expedited service and an office interview is not required, the household will have:

(a) A telephone interview or home visit; and

(b) still receive their benefits within the five day expedited time period.

(6) A household is entitled to an agency conference within two working days from the date of denial for expedited service.

NEW SECTION

WAC 388-406-0020 Destitute household definition.

(1) A migrant or seasonal farmworker is considered destitute for the purposes of eligibility for food assistance when:

(a) The household's income for the month of application was received before the date of application and was from a source no longer providing income; or

(b) The household's income for the month of application is from a new source and the household will receive twenty-five dollars or less for during the ten calendar days from the date of application

(2) A household member changing jobs but continuing to work for the same employer is considered to be receiving income from the same source.

NEW SECTION

WAC 388-406-0025 Applicant to provide information needed to determine eligibility. The applicant or applicant's representative must cooperate with the department by providing information needed to determine eligibility. Cooperation includes:

(1) Completing an application form and any supplemental forms required by the department to determine eligibility.

(a) The applicant will be assisted by department staff in the completion of the application form when needed.

(b) Completed application forms must be signed:

(i) For food assistance, by an adult household member or minor applicant when there is no adult member.

(ii) For TANF, SFA and RCA, by all adult applicants and minor parents, if living in the home, of children for whom assistance is requested.

(iii) For GA-S, GA-U, and medical programs, by the applicant and spouse, if living in the home, whether or not assistance is being requested on behalf of the spouse.

(2) Completing an interview if required under chapter 388-452 WAC;

(3) Providing additional information needed to determine eligibility as required under WAC 388-406-0030.

NEW SECTION

WAC 388-406-0030 Requests for additional information. An applicant is allowed at least ten calendar days to provide additional information required by the department to determine eligibility. This information will be requested in writing and may include supplemental forms and documents or statements verifying the applicant's circumstances (see chapter 388-490 WAC for verification requirements). The

applicant is allowed additional time to provide requested information when:

(1) The applicant has requested, orally or in writing, additional time to provide the information; or

(2) The department determines the need for different or additional information following the initial interview or after having requested specific information. In these situations, the applicant will be:

(a) Provided with a written request for the additional information; and

(b) Allowed at least ten calendar days to provide the information.

(3) When the applicant for medical and cash assistance has provided some, but not all, of any requested information, the applicant will be:

(a) Provided with a written request for information still needed to determine eligibility; and

(b) Allowed at least ten calendar days to provide the information.

NEW SECTION

WAC 388-406-0035 Time limits for processing applications. (1) Applications must be disposed of promptly and within the time limits specified in this section.

(2) When applying the time limits specified in this section, day one is the date following the date:

(a) A request for assistance is received by the department as specified under WAC 388-406-0010;

(b) A household consisting solely of persons eligible for SSI files a food assistance application at the SSADO; or

(c) An SSI recipient applying for food assistance is released from a public institution when the person filed an application with the SSADO before release.

(3) Time limits are in calendar days unless otherwise specified. Time limits for application disposition are:

(a) Thirty days for food assistance;

(b) For cash assistance:

(i) Thirty days for TANF, SFA, RCA, CEAP and DCA; and

(ii) Forty-five days for general assistance and ADATSA.

(c) For medical program benefits:

(i) Sixty days when a disability decision is required;

(ii) Fifteen working days for pregnant women; and

(iii) Forty-five days for all other categories.

NEW SECTION

WAC 388-406-0040 Delays in application processing. (1) When the department discovers that a food assistance application has not been disposed of within the initial thirty day time limit, and:

(a) The department has sufficient information to determine eligibility, the application will be processed without further delay; or

(b) If additional information is needed to determine eligibility, the household will be:

(i) Mailed or given a written request for the additional information needed to determine eligibility; and

(ii) Allowed an additional thirty day period to provide the information.

(2) When a household files a joint application requesting food assistance and medical or cash assistance:

(a) Approval of the food assistance application cannot be delayed pending the disposition of the application for medical or cash assistance; and

(b) A new application for food assistance cannot be required if the application for medical or cash assistance is denied.

(3) For medical and cash assistance, application disposition may be delayed when good cause exists as specified in WAC 388-406-0045.

NEW SECTION

WAC 388-406-0045 Good cause for delay in processing medical and cash assistance applications. (1) Good cause reasons for delay in disposing of a medical or cash assistance application include, but are not limited to:

(a) The applicant does not provide requested information within ten days of a written request;

(b) The eligibility decision depends on medical reports and there is a delay in obtaining the reports or in securing medical information;

(c) An eligibility determination depends on correspondence with out-of-state or intercity contacts and no other verification is available for the eligibility factor; or

(d) An eligibility decision depends on extensive property appraisals.

(2) For TANF and SFA, good cause exists only when the department:

(a) Notifies the applicant in writing of specific information needed to determine eligibility within twenty days of the date of application;

(b) Notifies the applicant in writing of the need for additional information or action within five calendar days;

(c) Determines eligibility and disposes of the application within five working days of receiving all information necessary to determine eligibility; and

(d) Determines good cause exists and documents the decision in the case record on or before the time limit for processing the application expires.

NEW SECTION

WAC 388-406-0050 Completing the application process.

(1) Application disposition occurs when the department makes an eligibility decision and:

(a) Authorizes benefits and, for food assistance, mails or gives a written approval notice to the applicant; or

(b) Mails or gives a written withdrawal or denial notice to the applicant.

(2) Except for a withdrawal or denial due to the applicant's death, the applicant will be notified of the department's decision in writing. A notice of denial or withdrawal must meet the adequate notice requirements in WAC 388-458-0005.

(3) For cash, medical, and food assistance, an applicant may voluntarily withdraw an application orally or in writing.

(4) For medical and cash assistance, an application is considered withdrawn when the applicant:

(a) Fails to appear for a scheduled interview; and

(b) Does not contact the department to reschedule the interview within thirty days from the date of application.

(5) For approved applications, the date the applicant becomes eligible for assistance is established according to WAC 388-406-0055.

(6) A decision to deny an application must be made according to the requirements of WAC 388-406-0060.

NEW SECTION

WAC 388-406-0055 Date of eligibility for approved applications. The effective date of eligibility for approved applications is:

(1) For cash assistance, the earlier of:

(a) The date the department has sufficient information to make an eligibility decision; or

(b) The last day of the time limit period specified in WAC 388-406-0035.

(2) For medical programs, as specified in chapter 388-416 WAC.

(3) For food assistance, except as described in subsections (4) and (5) of this section:

(a) The first day of the month following the end of the previous certification period for:

(i) All households that reapply before their previous certification period ends; and

(ii) Migrant and seasonal farmworker households that reapply within one month after their previous certification period ends; or

(b) The date of application for all other households.

(4) For food assistance applications approved after reconsideration as required by WAC 388-406-0065:

(a) The date the household provides required verification when:

(i) The application is denied because the applicant fails to respond to a written request for the verification, and

(ii) The household provides the requested verification after the end of the initial thirty day time limit; or

(b) The date the household becomes eligible for TANF or SFA when:

(i) The household is denied nonassistance food assistance; and

(ii) Is later found to be categorically eligible for food assistance because TANF or SFA is approved.

(5) For food assistance applications not processed within the thirty-day time limit, the first day of the month following the month of application when:

(a) Required verification is not provided by the household by the end of the initial thirty-day time limit;

(b) The household provides the required verification by the end of the second thirty-day period; and

(c) The delay in providing the required verification is the fault of the household.

NEW SECTION

WAC 388-406-0060 Denial of applications. (1) An application will be denied only when the department has not been able to establish the applicant's eligibility.

(2) An application cannot be denied solely because the applicant failed to provide requested information within a reasonably allowed period.

(3) For medical and cash assistance:

(a) An application cannot be denied based on a delay in obtaining medical information if obtaining the information is beyond the control of the applicant.

(b) A decision to deny an application may be delayed for good cause as specified in WAC 388-406-0045.

(c) A decision to deny a medical application with an unmet spenddown obligation is subject to the rules in chapter 388-519 WAC.

(4) Assistance will be denied to an entire assistance unit only when:

(a) Information required to establish eligibility for the entire assistance unit is not available to the department; or

(b) Circumstances which cause ineligibility affect all assistance unit members.

(5) An applicant will be notified of the department's decision to deny an application following notice requirements in WAC 388-458-0005.

(6) When an applicant for food assistance has not provided requested information within ten days:

(a) The application will be denied immediately if an application for TANF, SFA or SSI is not pending; or

(b) The denial decision may be delayed for up to thirty days from the date of application if an application for TANF, SFA or SSI is pending.

(7) A food assistance application which is not denied within the initial thirty day period will be denied at the end of the second thirty day period when:

(a) An eligibility decision could not be made based on information available to the department; and

(b) The applicant fails to provide requested information necessary to determine eligibility.

NEW SECTION

WAC 388-406-0065 Reconsideration of denied applications. (1) For medical and cash assistance, an applicant is allowed thirty days from the date of a denial notice to provide information needed to determine eligibility as specified in the notice.

(a) Eligibility will be determined based on the information provided unless the applicant's circumstances have changed to the extent that additional information is needed to determine eligibility.

(b) If eligibility is approved based on the information provided, the eligibility date is based on the application date of the denied application.

(2) For food assistance, an applicant is allowed thirty days from the end of the initial thirty-day period to provide information needed to determine eligibility as specified in a

denial notice. If the information is provided, the eligibility date is determined as specified under WAC 388-406-0055.

(3) A denied food assistance application will be re-evaluated within sixty days of the application date when the household was:

(a) Applying for both food assistance and TANF, SFA or SSI; and

(b) Denied food assistance before TANF, SFA or SSI was approved.

Chapter 388-408 WAC

ASSISTANCE UNITS

NEW SECTION

WAC 388-408-0005 Definition of assistance unit for cash assistance programs. A cash assistance unit is a person or group of persons who live together and whose income, resources and needs are considered as a unit for the purpose of determining eligibility and the amount of the cash assistance payment.

NEW SECTION

WAC 388-408-0010 Assistance units for general assistance programs. (1) A GA-S assistance unit includes only the pregnant woman.

(2) A GA-U assistance unit includes:

(a) An incapacitated adult; or

(b) A married couple if both persons are incapacitated and living together.

(3) A married couple living together must be included in a single assistance unit when:

(a) The husband is incapacitated; and

(b) The wife is pregnant and not eligible for TANF.

(4) A GA-H assistance unit includes only the child or children eligible for GA-H.

NEW SECTION

WAC 388-408-0015 Mandatory TANF and SFA assistance unit members. (1) A TANF assistance unit includes only a woman in her third trimester of pregnancy if there is no other eligible child in the home.

(2) A TANF, SFA or combined TANF/SFA assistance unit must include the following persons, if living together, unless the person must be excluded under WAC 388-408-0020 or is excluded at the option of the family under WAC 388-408-0025:

(a) The child for whom assistance is requested and that child's full, half or adoptive siblings;

(b) Any natural or adoptive parent or stepparent of any child who is included in the assistance unit;

(c) Any parent of a pregnant minor or minor parent who claims to be the needy caretaker relative of:

(i) The pregnant minor or minor parent;

(ii) The minor parent's child; or

(iii) The pregnant minor or minor parent's full, half or adoptive sibling.

NEW SECTION

WAC 388-408-0020 Persons excluded from TANF and SFA assistance units. The following persons may not be included in a TANF or SFA assistance unit:

(1) Persons who are ineligible for reasons other than income and resources, except for adult family members who would make the family ineligible due to the TANF/SFA time limit as specified in chapter 388-484 WAC.

(2) An adopted child if:

(a) The child receives federal, state or local adoption assistance; and

(b) Including the child would reduce the assistance unit's grant due to budgeting the adoption assistance income.

(3) Minor parents or children who have been placed in Title IV-E, state, or locally funded foster care except for temporary absences allowed for under WAC 388-454-0015;

(4) An adult parent in a two-parent household when:

(a) The other parent is unmarried and under the age of eighteen; and

(b) The department determines the living arrangement is not appropriate under WAC 388-486-0005.

(5) A recipient of SSI benefits.

NEW SECTION

WAC 388-408-0025 Optional TANF and SFA assistance unit members. Unless excluded under WAC 388-408-0015, the following persons, if otherwise eligible, may be included in a TANF or SFA assistance unit at the option of the caretaker relative:

(1) One nonparental caretaker relative as defined in WAC 388-454-0010 if a parent of a child in the assistance unit does not reside in the home;

(2) The step siblings of a child included in the assistance unit;

(3) Children who are not siblings of a child included in the assistance unit.

(4) The siblings of a child receiving SSI.

(5) Any parent of a child receiving SSI.

(6) One nonparental relative of specified degree of a child receiving SSI if the child's parent or parents are not living in the home.

(7) One nonparental relative of specified degree of a child in the home receiving foster care;

(8) For recipient assistance units, the child of unmarried parents when the child is living with both parents.

NEW SECTION

WAC 388-408-0030 Consolidation of TANF and SFA assistance units. (1) All children included as mandatory or optional members and who live with the same caretaker relative or relative married couple must be included in a single assistance unit.

(2) Children do not have to be full, half, or adopted brothers or sisters to be included in the same assistance unit.

(3) When a change of circumstances occurs which makes one or more assistance unit members ineligible for cash assis-

tance, assistance is continued for all assistance unit members who remain eligible.

NEW SECTION

WAC 388-408-0035 Assistance units for food assistance. (1) For food assistance, a household is:

- (a) A person living alone;
- (b) A group of people living together who purchase or prepare meals together;
- (c) A group of people living together who are required to be one household because of the relationship to each other as described in subsection (2) below; or
- (d) An elderly person with permanent disabilities who is unable to prepare meals. The combined income of all others living in the residence (excluding the spouse) cannot exceed the one hundred sixty-five percent standard under WAC 388-478-0060. The person's spouse must be included in the food assistance household.

(2) The following people living together must be one household even if they purchase and prepare meals separately:

- (a) Spouses. A spouse is a person who is legally married or who presents themselves as husband and wife to the community, friends and relatives;
- (b) Parents and their children twenty years of age and younger regardless of marital status; and
- (c) Children seventeen years of age or younger and the adult who the child is living with when the adult is not their parent. When a minor child lives with an adult that is not their parent, the child is considered to be under parental control unless the child receives in their own name:

- (i) A TANF grant; or
- (ii) Gross income equal to or exceeding the TANF grant standard in WAC 388-478-0020(2).

(3) A household member who is absent from the household a full issuance month, is not eligible for benefits with that household.

(4) The following persons living in the residence are not household members and if eligible may be a separate food assistance household:

- (a) Roomers who are persons that pay for lodging but not meals;
- (b) Others who purchase and prepare meals separately from the household; or
- (c) Live-in attendants regardless of purchase and prepare arrangements.

(5) The following persons living in the residence are not household members and are not eligible for food assistance as a separate household:

- (a) Ineligible students; and
- (b) Persons eighteen to fifty years old without dependents who are no longer eligible for benefits as specified in chapter 388-444 WAC.

(6) A person who is living in the residence and is not a household member as described in subsection (4) and (5), is not included when household size, income eligibility, and benefit level are determined for the food assistance unit.

(7) A boarder is a person who:

- (a) Is paying a reasonable amount for lodging and meals as determined by the department; or
 - (b) Is in foster care.
- (8) A client can exclude a boarder at their request. If excluded, the boarder cannot be a separate food assistance household. Residents of licensed for-profit boarding homes are not eligible for benefits.
- (9) The following household members are ineligible for food assistance and are considered ineligible members.
- (a) Those disqualified for intentional program violation (IPV); noncompliance with work requirements; or failure to provide SSN;
 - (b) Those who fail to sign the application attesting to citizenship or alien status or immigrants not eligible because of alien status;
 - (c) Fleeing felons; or
 - (d) Those convicted of drug felonies as described under WAC 388-434-0010.
- (10) A person who is living in the residence and is an ineligible household member is not included when household size and benefit level is determined.

NEW SECTION

WAC 388-408-0040 Residents of institutions. (1) Most residents of institutions are not eligible for food assistance benefits. Residents of the following institutions may be eligible:

- (a) Federally subsidized housing for the elderly;
- (b) Qualified drug and alcohol treatment centers when an employee of the treatment center is the authorized representative;
- (c) Qualified group homes for persons with disabilities;
- (d) A shelter for battered women and children when the resident left the home that included the abuser; or
- (e) Nonprofit shelters for the homeless. Homeless clients may use food stamps to purchase prepared meals from meal providers for the homeless.

(2) A qualified group home is a nonprofit residential facility that:

- (a) Houses sixteen or less persons with disabilities as defined under WAC 388-400-0040; and
- (b) Is certified by the division of developmental disabilities (DDD).

(3) Elderly or disabled household members and spouses may use food stamps to purchase meals from the following when approved by FNS:

- (a) Communal dining facility; or
- (b) Nonprofit meal delivery service.

NEW SECTION

WAC 388-408-0045 Shelters for battered women and children. (1) Persons living in a shelter for battered women and children may receive food assistance.

(2) A shelter resident who left a food assistance household that included the abuser:

- (a) Is certified as a separate household;
- (b) May receive an additional allotment even when the resident already received benefits with the abuser; and

- (c) Are certified on the basis of:
- (i) Income and resources which they have access to; and
 - (ii) Expenses that they are responsible for.
- (3) An immigrant is eligible for food assistance in shelters if the immigrant or immigrant's child:
- (a) Was battered or subjected to extreme cruelty in the United States by a spouse, parent, or the family of the spouse or parent living in the same household. The U.S. Attorney General also determined that there is a substantial connection between such battery or cruelty and the alien's need for benefits; or
 - (b) Has a petition under the Violence Against Women Act for adjustment for immigration status approved or pending with Immigration and Naturalization Service.

NEW SECTION

WAC 388-408-0050 Homeless status for food assistance. A client is considered homeless when they do not have a regular nighttime residence or who stays primarily in a:

- (1) Supervised shelter that provides temporary living or sleeping quarters;
- (2) Halfway house providing temporary residence for persons going into or coming out of an institution;
- (3) Residence of another person that is temporary and the client has lived there for ninety days or less; or
- (4) A place not usually used as sleeping quarters for humans.

NEW SECTION

WAC 388-408-0055 Medical assistance units. (1) A medical assistance unit (MAU) is determined on the basis of relationship and financial responsibility.

- (a) Married persons, living together are financially responsible for each other;
- (b) Parents are financially responsible for their unmarried, minor children;
- (c) Only a parent's income actually contributed to a minor child in the following type of inpatient treatment, expected to last ninety days or more, is considered available income to the child:
 - (i) Chemical dependency treatment; or
 - (ii) Mental health treatment.
- (d) Minor children are not financially responsible for their parents, or for their siblings.
- (2) Certain situations require the establishment of separate MAUs for some family members. Separate MAUs are established for:
 - (a) A pregnant minor, regardless of whether she lives with her parent(s);
 - (b) A child with income or resources which make another family member ineligible for medical assistance;
 - (c) A child of unmarried parents when both parents reside with the child;
 - (d) Each unmarried parent of a child in common, plus any of their separate children;
 - (e) A needy, nonresponsible caretaker relative;
 - (f) SSI recipients or persons related to SSI from the non-SSI related family members.

(3) A parent's income in excess of one hundred percent of the Federal Poverty Level (FPL) for the parent and other members of the parent's MAU is allocated as income to their child in a separate MAU.

(4) A parent's resources are allocated equally among the parent and all persons the parent is financially responsible for. This includes family members in separate MAUs.

Chapter 388-410 WAC**BENEFIT ERROR****NEW SECTION**

WAC 388-410-0001 Cash/medical assistance overpayments. (1) An overpayment means any assistance paid to an assistance unit where:

- (a) Eligibility for the payment did not exist; or
- (b) Assistance paid was in excess of need.
- (2) There are two different types of overpayments for cash and medical assistance:
 - (a) Intentional overpayments; and
 - (b) Unintentional overpayments.
- (3) The client is presumed to have committed an intentional overpayment when:
 - (a) Failing to report within twenty days a change in circumstances that affects eligibility or need; or
 - (b) An applicant or recipient's misstatement or failure to reveal a material fact affects eligibility or need (see WAC 388-446-0001).
- (4) All overpayments that are not due to the willful or knowing intent of the client are considered unintentional overpayments.
- (5) Child support payments received directly from the absent parent are not treated as a grant overpayment if kept by the caretaker relative. Such payments are considered a debt to the division of child support.

NEW SECTION

WAC 388-410-0005 Cash and medical assistance overpayment amount and liability. (1) The amount of overpayment for cash and medical assistance households is determined by the amount of assistance received for which the assistance unit was not entitled.

- (2) Cash and medical assistance overpayments are recovered from:
 - (a) Any individual member of an overpaid assistance unit, whether or not the member is currently a recipient.
 - (b) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member.
- (3) A cash or medical assistance overpayment is not recovered from:
 - (a) A nonneedy caretaker relative or guardian who received no financial benefit from the payment of assistance; or
 - (b) A person not receiving assistance when an unintentional overpayment of less than thirty-five dollars is discovered and/or computed.

(4) Overpayments resulting from incorrectly received cash assistance are reduced by:

(a) Cash assistance a household would have been eligible to receive from any other category of cash assistance during the period of ineligibility; and

(b) Child support the department collected for the month of overpayment in excess of the amount in (a) above; or

(c) Any existing grant underpayments.

(5) A cash assistance overpayment cannot be reduced by a medical or food assistance underpayment.

(6) A medical assistance overpayment cannot be reduced by a cash or food assistance underpayment.

(7) An underpayment from one assistance unit cannot be credited to another assistance unit to offset an overpayment.

(8) All overpayments occurring after January 1, 1982 are required to be repaid by mandatory grant deduction except where recovery is inequitable as specified in WAC 388-410-0010.

NEW SECTION

WAC 388-410-0010 Repayment of grant overpayment occurring prior to April 3, 1982, and resulting department error. (1) An assistance unit will not be held liable for an overpayment occurring prior to April 3, 1982, which was caused by departmental error, until the department determines recovery would not be inequitable. Recovery is considered inequitable if:

(a) The department informed the recipient or the recipient's authorized representative that the recipient was entitled to part or all of the financial assistance or services overpaid; or

(b) The department acted in a manner which would reasonably lead the recipient to believe he/she was eligible to receive the assistance or services overpaid; and

(c) The recipient retained or accepted the assistance with the understanding that he/she had the right to rely upon the information received from the department; and

(d) The recipient would suffer an injury if the department were allowed to refuse to recognize the department's admission, statement, act or omission;

(e) Injury as used in this section includes liability for repayment of a debt due the state.

(2) If the department determines recovery would be inequitable:

(a) The recipient is not liable for repayment;

(b) The overpayment is not a debt due the state; and

(c) The recipient is so informed.

(3) If recovery would not be inequitable, the recipient will be notified:

(a) Of the specific reason why recovery is not inequitable;

(b) That the recipient is liable for repayment of the debt;

(c) Whether the overpayment is subject to a mandatory deduction from the current grant; and

(d) Of the right to contest the decision.

(4) An intentional overpayment is recovered by a mandatory grant deduction of ten percent of the monthly grant payment standard.

(5) A monthly grant deduction of up to one hundred percent of the grant may be established when:

(a) The overpayment is intentional;

(b) The client has cash, bank accounts, or marketable securities but refuses to use these resources in full or partial satisfaction of the overpayment; and

(c) The amount of income and resources remaining available to the assistance unit is not less than ninety percent of the grant payment standard.

(6) An unintentional overpayment is recovered by grant deduction of five percent of the monthly grant payment standard unless the recipient voluntarily requests a larger deduction in writing.

(7) A monthly deduction for overpayment recovery may be established against the clothing and incidental grant of a recipient in a nursing facility, intermediate care facility, or hospital. A monthly deduction may not be established against the vendor payment to the nursing facility, intermediate care facility or hospital.

(8) When the monthly grant deduction is equal to or more than the current grant for which the client is eligible had no overpayment occurred, the grant is suspended.

(9) No more than the total amount of an overpayment may be collected by mandatory deduction from a client's public assistance grant. The client will receive compensation for an underpayment resulting from any erroneous monthly deduction.

NEW SECTION

WAC 388-410-0015 Recovery of cash assistance overpayments by mandatory grant deduction. (1) All overpayments of cash assistance are recovered by means of a mandatory deduction from future continuing assistance grants except as specified by WAC 388-410-0010.

(2) All members of an overpaid assistance unit are responsible for repayment of an overpayment. Repayment may be from:

(a) Resources and/or income; or

(b) Deductions from subsequent grants; and

(c) An assistance unit member's estate.

(3) The mandatory grant deduction of an intentional overpayment is ten percent of the monthly grant payment standard.

(4) A monthly grant deduction of up to one hundred percent of the grant can be established when:

(a) The overpayment is intentional;

(b) The client has liquid resources available but refuses to use these resources in full or partial satisfaction of the overpayment; and

(c) The amount of income and resources remaining available to the assistance unit is not less than ninety percent of the grant payment standard.

(5) An unintentional overpayment is recovered by grant deduction of five percent of the monthly grant payment standard unless the client voluntarily requests a larger deduction in writing.

(6) A monthly deduction for overpayment recovery can be established against the clothing and incidental grant of a recipient in a nursing facility, intermediate care facility, or

PROPOSED

hospital. A monthly deduction cannot be established against the vendor payment to the nursing facility, intermediate care facility or hospital.

(7) When the monthly grant deduction is equal to or more than the current grant for which the client is eligible had no overpayment occurred, the grant is suspended.

(8) No more than the total amount of an overpayment may be collected by mandatory deduction from a client's public assistance grant. The client will receive compensation for an underpayment resulting from any erroneous monthly deduction.

NEW SECTION

WAC 388-410-0020 Food assistance overpayments.

There are three different types of overpayments in the food assistance program. These types are:

(1) An administrative error overpayment defined as an overpayment caused solely by:

(a) The department's action or failure to act causing an incorrect determination of categorical eligibility (CE); and

(b) A resulting claim can be computed based on a change in net income or assistance unit size.

(2) An inadvertent household error overpayment defined as any overpayment caused by either misunderstanding or unintended error by a household that is:

(a) The result of SSA action or failure to act causing an incorrect determination of CE; and

(b) A resulting claim can be computed based on a change in net income or assistance unit size.

(3) An intentional program violation overpayment defined as any overpayment resulting from an intentional program violation as specified under chapter 388-446 WAC.

NEW SECTION

WAC 388-410-0025 Food assistance overpayment liability. (1) Food assistance overpayment claims are established against any assistance unit:

(a) Receiving more food assistance benefits than it was entitled to receive; or

(b) Containing an adult member who was an adult member of another assistance unit receiving more benefits than it was entitled to receive.

(2) All persons who were adult members of a food stamp assistance unit at the time of a food stamp overpayment are jointly and separately liable and are subject to collection action.

(3) A food assistance administrative error claim or inadvertent household error claim cannot be established unless the assistance unit:

(a) Signed the application form; and

(b) Was certified by the community service office in the correct catchment area; or

(c) Cashed an expired food coupon authorization card that was altered by the assistance unit.

(4) An administrative error overpayment is established when:

(a) Discovered within twelve months of its occurrence; and

(b) The household is mailed a recovery demand letter and the overpayment is calculated within twenty-four months of discovery.

(5) An inadvertent household error overpayment is established when:

(a) Discovered within twenty-four months of its occurrence; and

(b) The household is mailed a recovery demand letter and the overpayment is calculated within twenty-four months of discovery.

(6) An intentional program violation overpayment is established when:

(a) Discovered within seventy-two months of its occurrence; and

(b) The household is mailed a recovery demand letter and the overpayment is calculated within twenty-four months of discovery.

NEW SECTION

WAC 388-410-0030 Food assistance overpayment amount and recovery. (1) The amount of a food assistance overpayment is determined by the difference between:

(a) The allotment actually authorized; and

(b) The allotment that should have been authorized.

(2) The monthly allotment the assistance unit should have been authorized is determined counting the actual income received by the assistance unit.

(3) A food assistance overpayment can be reduced by a food assistance underpayment if the underpayment was:

(a) Not previously restored; or

(b) Already used to reduce an overpayment.

(4) All inadvertent household or administrative error claims are subject to collection unless:

(a) The entire overpayment claim is cancelled by an underpayment;

(b) The administrative error claim is less than one hundred dollars;

(c) The inadvertent household error claim is less than thirty-five dollars;

(d) The department cannot locate the liable household; or

(e) An attempt to collect will prejudice an inadvertent household error case referred for possible prosecution or administrative disqualification.

(5) An intentional program violation is subject to collection action against the liable assistance unit unless:

(a) The assistance unit has repaid the overpayment;

(b) The assistance unit cannot be located; or

(c) The department determines collection action will prejudice the case against an assistance unit member referred for prosecution.

(6) An assistance unit or assistance unit member may repay an overpayment by:

(a) A lump sum;

(b) Regular installments under a payment schedule as specified in subsection (7) of this section; or

(c) Allotment reduction.

(7) Currently participating food assistance units liable for an inadvertent household error or intentional program violation overpayment may repay by a negotiated monthly

installment amount. The repayment amount must not be less than the amount that could be recovered through allotment reduction. The payment schedule may be renegotiated by either the department or the assistance unit member.

(8) Food assistance units repaying overpayments by allotment reduction will repay:

(a) An administrative error overpayment by an amount agreed to by the assistance unit;

(b) An inadvertent household error overpayment by the greater of:

(i) Ten percent of the assistance unit's monthly allotment; or

(ii) Ten dollars per month.

(c) An intentional program violation overpayment by the greater of:

(i) Twenty percent of the household's monthly allotment; or

(ii) Ten dollars per month.

(9) Involuntary reduction of the allotment an assistance unit is currently receiving is authorized when the household is liable for an inadvertent household error; and

(a) Fails to notify the department of their chosen repayment agreement; or

(b) Fails to request a fair hearing and continued benefits within twenty days of receipt of notice from the department of collection action.

(10) An assistance unit that is liable for an intentional program violation claim must choose a repayment agreement within ten days of receipt of notice of collection action. Failing to do so will subject the assistance unit to involuntary reduction of their current food assistance allotment.

(11) A household that fails to meet the terms of an agreed repayment schedule is subject to involuntary reduction of their current food assistance allotment unless:

(a) Overdue payments are caught up; or

(b) Renegotiation of the payment schedule is requested.

(12) Collection action is suspended when:

(a) Collection action has not been initiated as provided in subsection (4) of this section;

(b) A liable household member cannot be located; or

(c) Cost of further collection action is likely to exceed the amount that can be recovered.

(13) The amount of an overpayment can be negotiated if the amount offered approximates the net amount expected to be collected prior to the expiration of the collection period by statute.

(14) Prior to the expiration of the collection period, unpaid overpayments are written off and any applicable liens are released when:

(a) There is no further possibility of collection;

(b) There was an accepted offer of compromise leaving an unpaid balance after payment; or

(c) There is an unpaid balance remaining after a case has been in suspense for three consecutive years.

(15) Food assistance overpayments occurring in another state may be collected in this state if the originating state does not intend to pursue collection and provides the following:

(a) Documentation of the overpayment computation and overpayment notice prepared for the client; and

(b) Proof of service showing the client received the overpayment notice.

NEW SECTION

WAC 388-410-0035 Alien and alien sponsor cash, and food assistance overpayments. (1) An alien and their sponsor are jointly and individually liable for any overpayment of cash, medical, or food assistance made to the alien during the three years after the alien's entry into the United States.

(2) When an overpayment to a sponsored alien results from incorrect information provided by the alien's sponsor, both the alien and the sponsor are liable for repayment.

(3) When the alien's sponsor had good cause for reporting the incorrect information, the sponsored alien is solely liable for an inadvertent household error overpayment.

(4) When good cause does not exist, collection action is initiated against:

(a) The alien's sponsor; or

(b) The sponsored alien's assistance unit; or

(c) Of the two, the one considered most likely to repay first.

(5) Collection action is initiated against an alien's sponsor for an inadvertent household error when:

(a) A department representative contacts the sponsor in person or by phone; and

(b) The sponsor is informed in writing there will be no responsibility for repayment if good cause for reporting incorrect information causing the overpayment can be demonstrated.

(6) Collection action is initiated against the sponsored alien's assistance unit for an inadvertent household error when:

(a) Collection action is taken first against the alien's sponsor; and

(b) The alien's sponsor does not respond within thirty days; or

(c) The sponsored alien provides incorrect information concerning the sponsor or sponsor's spouse through misunderstanding or unintended error.

NEW SECTION

WAC 388-410-0040 Cash and food assistance underpayments. (1) All cash assistance underpayments not credited against an overpayment are repaid upon discovery to any current or former recipient.

(2) All food assistance benefits underpaid are restored when:

(a) An underpayment was caused by department error;

(b) An administrative disqualification for intentional program violation was reversed;

(c) A rule or instruction specifies restoration of unpaid benefits; or

(d) A court action finds benefits were wrongfully withheld.

(3) A client is eligible for restoration of underpaid benefits for any of the twelve months prior to:

(a) The month the client requests restoration;

PROPOSED

(b) The month the department discovers an underpayment;

(c) The date the household makes a fair hearing request when a request for restoration of benefits was not received; or

(d) The date court action was started when the client has taken no other action to obtain restoration of benefits.

(4) The client may request a fair hearing if they disagree with the amount of benefits the department determines were underpaid.

(5) If household composition changes prior to the department's restoration of an underpayment, the underpayment is paid to:

(a) First, the household containing a majority of the persons who were household members at the time of the underpayment; or

(b) Second, the household containing the head of the household at the time of the underpayment.

Chapter 388-412 WAC

BENEFIT ISSUANCES

NEW SECTION

WAC 388-412-0005 Cash assistance payments. For cash assistance payments, the state issues a warrant which looks similar to a check.

(1) Each separate assistance receives a separate cash benefit grant, even if there are multiple assistance units in the same residence.

(2) A married couple who both receive any general assistance benefit must be considered one assistance unit.

(3) Grants are rounded down to the next whole dollar amount with the following exceptions:

(a) Clothing and personal incidental (CPI) allowance; and

(b) Grants with a deduction for repayment of an overpayment.

(4) Grant payments are not issued for under ten dollars except:

(a) Grants with a deduction for repayment of an overpayment;

(b) CPI allowances with income deducted; or

(c) Supplemental Social Security (SSI) interim assistance payments.

NEW SECTION

WAC 388-412-0010 Endorsing the warrant. (1) Clients must endorse their warrants unless they have a power of attorney. If a client has given someone else a power of attorney, the client must give the department a copy.

(2) If a client is unable to sign the warrant, it must be endorsed by the client's mark or thumb print witnessed by two people. The witnesses must give their names and addresses to the person that cashes the warrant.

NEW SECTION

WAC 388-412-0015 Food assistance allotments. (1) A client's food assistance benefit amount is called an allotment. An allotment is the total dollar value of coupons an eligible assistance unit receives for a calendar month.

(2) Assistance units with no income receive the maximum allotment as described under the thrifty food plan (TFP) in WAC 388-478-0060. Assistance units with net income receive smaller amounts.

(3) Eligible assistance units receive benefits from the effective date of eligibility to the end of the first month except those described in WAC 388-406-0055. This is called proration and is based on a thirty-day month.

(4) In the first month of eligibility, assistance units do not receive an allotment when the amount is less than ten dollars.

(5) Eligible one and two person assistance units receive a minimum ten dollar allotment:

(a) After the first month of eligibility; or

(b) In the first month of eligibility when the CSO receives their application on the first day of the month.

NEW SECTION

WAC 388-412-0020 Mail delivery of warrants. Warrants are mailed to the address where clients live with the following exceptions:

(1) The department redirects the warrant to the local office;

(2) The department has established there are problems with receiving mail at the client's address;

(3) A client requests in writing that the warrant be mailed to the local office, such as a homeless client without an address; or

(4) A client requests that the warrant be sent to a temporary address for less than ninety days.

NEW SECTION

WAC 388-412-0025 Issuing food assistance benefits.

(1) An eligible assistance unit is issued benefits by means of:

(a) A food coupon authorization (FCA) card that must be redeemed for food coupons; or

(b) Direct mail food coupons.

(2) Clients are issued food assistance benefits during the first ten days of the month.

(3) A client must redeem an FCA for coupons during the period that is specified on the FCA card.

(4) Eligible clients applying on or after the 16th of the month are issued one allotment called a combined issuance that includes benefits for:

(a) The month of application; and

(b) The following month.

NEW SECTION

WAC 388-412-0030 Returning a warrant. (1) A warrant payable to a deceased payee must be returned to the department for cancellation.

(2) If the payee of an assistance unit leaves the home and is not likely to return during the month to endorse the warrant, the warrant is:

- (a) Returned to the local office; and
- (b) Reissued to another eligible payee for the assistance unit.

NEW SECTION

WAC 388-412-0035 Loss, theft, destruction or non-receipt of a warrant issued to clients and vendors. Sometimes warrants are issued to a vendor instead of being issued directly to the client. Therefore, the following also applies to replacements of vendor warrants.

- (1) The department does not replace a warrant which was endorsed by a client or the cash proceeds from a warrant.
- (2) Clients asking for a replacement of a warrant which was not endorsed by them must:
 - (a) Complete a notarized statement called an affidavit;
 - (b) Provide all facts surrounding the loss, theft, destruction or nonreceipt of the warrant; and
 - (c) File a report with the police or the post office, as appropriate.
- (3) If a client is eligible to receive a replacement, the warrant is issued:
 - (a) On or before the tenth of the month in which the warrant was due; or
 - (b) Within five working days of the date the decision is made to replace the warrant, whichever is later.
- (4) A client is issued the full amount of the original warrant if the warrant is replaced.

NEW SECTION

WAC 388-412-0040 Replacing lost, stolen, or destroyed food assistance allotments. (1) A client may receive a replacement for a one month food assistance allotment: when:

- (a) An FCA or coupons are lost or stolen from the mail;
 - (b) An FCA is stolen after receipt; or
 - (c) An FCA card, coupons or food purchased with coupons are destroyed in a disaster.
- (2) To get a replacement, a client must:
- (a) Report the theft or destruction within ten days of the incident; or
 - (b) Report nonreceipt of the benefits within the period that benefits are intended to be used; and
 - (c) Sign a department affidavit within ten days of the report attesting to the loss.
- (3) A client's request for a replacement is denied when:
- (a) Certified mail coupons are signed for by any person residing or visiting at the address provided by the client;
 - (b) Coupons or an FCA card are lost or misplaced after receipt;
 - (c) Coupons are stolen after receipt;
 - (d) A client already received two replacements described in (1) above within the previous five months; or
 - (e) The request is determined to be fraudulent.
- (4) A replacement as specified in subsection (1) will not count against an assistance unit when:

- (a) An allotment is returned to the department;
- (b) The original or replacement FCA is not cashed;
- (c) The replacement is issued because of a department error;
- (d) A partial coupon delivery is caused by a department error; or
- (e) The coupons delivered are improperly made or are mutilated. There must be at least three-fifths of the each coupon to turn in for an exchange.

Chapter 388-414 WAC

CATEGORICAL ELIGIBILITY FOR FOOD ASSISTANCE

NEW SECTION

WAC 388-414-0001 Food assistance categorical eligibility. (1) A food assistance unit is categorically eligible (CE) to receive food benefits when all members are authorized to receive a cash benefit under any of the following cash programs:

- (a) Temporary assistance for needy families (TANF);
- (b) State family assistance (SFA);
- (c) Supplemental Security Income (SSI); or
- (d) General assistance cash programs.

(2) Some food assistance units are not categorically eligible to receive food benefits even after meeting the requirements in subsection (1) of this section. Categorical eligibility does not happen when the entire assistance unit or any member of the unit fits into the following situations:

- (a) The entire food assistance unit is:
 - (i) Living in an institution;
 - (ii) Disqualified from receiving food assistance for any reason; or
 - (iii) Terminated from food assistance because of failure to meet monthly reporting requirements.
- (b) Any member of the food assistance unit is:
 - (i) Disqualified from food assistance for an intentional program violation (IPV);
 - (ii) Disqualified from food assistance because of failure to meet work registration requirements;
 - (iii) Not eligible for food assistance because of their alien or student status; or
 - (iv) Receiving SSI as an essential person or an ineligible spouse, not eligible for SSI on their own behalf.
- (4) A categorically eligible assistance unit has already met cash eligibility requirements. Some requirements are similar for food assistance. A Food assistance unit determined to be categorically eligible does not have to meet food assistance eligibility requirements regarding:
 - (a) Residency;
 - (b) Social Security number;
 - (c) Sponsored Alien;
 - (d) Resources; and
 - (e) The gross and net income standards.

PROPOSED

Chapter 388-416 WAC

CERTIFICATION PERIODS

NEW SECTION

WAC 388-416-0005 Certification periods for food assistance. A certification period is the specified time the assistance unit is determined eligible. Assistance units are certified for the following:

- (1) Up to twenty-four months for assistance units without earned income and all members are elderly;
- (2) Up to twelve months for assistance units:
 - (a) Receiving cash assistance;
 - (b) With earned income and required to report monthly;
 or
- (c) Without earned income and all household members are disabled or elderly.
- (3) Up to six months for:
 - (a) Assistance units with recent work history and required to report monthly; or
 - (b) Assistance units not likely to have any changes.
- (4) Up to three months for assistance units:
 - (a) Consisting of migrants; or
 - (b) All other assistance units not included in this section.

NEW SECTION

WAC 388-416-0010 Medical certification periods for recipients of cash assistance programs. (1) The certification period for medical services begins on the first day of the month of application when the client is determined eligible for cash assistance for one of the following programs:

- (a) TANF/SFA; or
 - (b) SSI; or
 - (c) GA-S; or
 - (d) GA-H; or
 - (f) Refugee assistance.
- (2) The certification period for the medical programs associated with the cash programs in subsection (1) continues as long as eligibility for these programs lasts. When a client's cash assistance is terminated, eligibility for medical assistance is continued until eligibility is redetermined as described in WAC 388-418-WAC.
- (3) The certification period for medical can begin up to three months prior to the month of application for clients described in subsection (1) of this section if the conditions in WAC 388-416-0015(6) apply.
- (4) The certification period for medical care services begins on the date eligibility begins for the following cash assistance programs:
 - (a) GA-U; or
 - (b) ADATSA, when either receiving a grant or awaiting treatment.
- (5) The certification period for medical care services for clients in subsection (4) of this section runs concurrently with the period of eligibility for the client's cash assistance program.

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

NEW SECTION

WAC 388-416-0015 Certification periods for categorically needy (CN) programs. (1) Eligibility for categorically needy (CN) medical assistance begins on the first day of the month a client becomes eligible. Eligibility ends on the last day of the last month of the certification period.

- (2) TANF/SFA-related, or SSI-related CN medical is certified for twelve months.
- (3) The pregnant women's program is certified through the end of the month which includes the sixtieth day from the day the pregnancy ends.
- (4) The children's medical program is certified for twelve months or through the end of the month the child turns nineteen, whichever is earlier.
- (5) The newborn medical program is certified through the end of the month that the newborn turns one year old.
- (6) The certification period can begin up to three months immediately prior to the month of application when:
 - (a) The client would have been eligible for medical assistance, had the client applied; and
 - (b) The client received medical services which are covered by DSHS, as described in WAC 388-529-0100.

NEW SECTION

WAC 388-416-0020 Certification periods for noninstitutionalized medically needy (MN) program. (1) The certification period for the noninstitutionalized medically needy (MN) program begins:

- (a) On the first day of the month in which hospital expenses equal the spenddown amount; or
 - (b) On the day that spenddown is met, when hospital expenses are less than the spenddown amount, or no hospital expenses are involved.
- (2) The certification period continues through the last day of the final month of the base period as described in WAC 388-519-0100.
- (3) The certification period can begin up to three months immediately prior to the month of application as described in WAC 388-519-0100.

NEW SECTION

WAC 388-416-0025 Certification period for children's health program. (1) The certification period for the children's health program begins on the first day of the month the client becomes eligible.

- (2) The certification period continues for twelve months or through the end of the month the child turns eighteen, whichever is earlier.
- (3) The certification period can begin up to three months immediately prior to the month of application.

NEW SECTION

WAC 388-416-0030 Certification periods for the medically indigent (MI) program. (1) A client must meet the emergency medical expense requirement (EMER), before eligibility can be determined for the for the medically indigent (MI) program.

(2) If the client is not required to spenddown excess income or resources, the certification period for MI begins on the date that the EMER was met.

(3) When an MI applicant must satisfy a spenddown amount, the certification period begins:

(a) On the first day of the month in which hospital expenses (excluding the EMER) equal the spenddown amount; or

(b) On the day that spenddown is met, when hospital expenses are less than the spenddown amount.

(4) The certification period cannot exceed three calendar months in a twelve month period.

NEW SECTION

WAC 388-416-0035 Certification periods for Medicare cost sharing programs. The certification periods for the Medicare cost sharing programs differ depending upon the specific program. For the:

(1) Qualified Medicare beneficiary (QMB) program:

(a) Begins the first day of the month following the month of eligibility determination for the QMB program; and

(b) The certification period is for twelve months.

(2) Qualified disabled working individual (QDWI) program:

(a) The certification period may begin up to three months prior to the month of application. Both of the following conditions must be met beginning on the first day of the first month of the certification period:

(i) The person must be or must have been enrolled in Medicare Part A; and

(ii) The person must meet or must have met the department's eligibility requirements for QDWI.

(b) The certification period is twelve months in duration.

(3) Special low income medicare beneficiary (SLMB) program and expanded special low income medicare beneficiary (ESLMB) program:

(a) The certification period may begin up to three months prior to the month of application. Both of the following conditions must be met on the first day of the first month of the certification period:

(i) The person must be or must have been enrolled in Medicare Part B; and

(ii) The person must meet or must have met the department's eligibility requirements for SLMB/ESLMB.

(b) The certification period for SLMB coverage is twelve months in duration.

(c) The certification period for ESLMB coverage extends to the end of the calendar year.

Chapter 388-418 WAC

CHANGE OF CIRCUMSTANCE

NEW SECTION

WAC 388-418-0005 Reporting requirements. (1) For cash and food assistance:

(a) Clients must report changes within ten days of the date the change becomes known to the assistance unit.

(b) Clients who report changes on a monthly report are not required to report within the ten day period.

(2) For medical care services, clients must report changes within twenty days of the date the change becomes known to the client.

(3) Food assistance clients are required to report the following:

(a) A change in the amount of gross monthly income of more than twenty-five dollars;

(b) A change in the source of income;

(c) A change in household size such as addition or loss of a household member;

(d) A change in residence and the resulting change in shelter cost;

(e) Obtaining a licensed vehicle;

(f) The end of a temporary disability when the temporary disability is the reason for excluding a vehicle; and

(g) When a change in the assistance unit's countable liquid resources exceeds the applicable resource limit as described under WAC 388-478-0005.

(4) For TANF/SFA, a caretaker relative must report the absence of a child within five days of the date that it becomes reasonably clear that the absence will exceed ninety days. If the relative fails to report timely, the relative:

(a) Is not eligible for one month; and

(b) The relative's countable income will be considered available to the remaining members of the assistance unit.

NEW SECTION

WAC 388-418-0010 Requesting information or action needed. (1) A recipient must receive a written request for any information or action needed to maintain continuing eligibility.

(2) A recipient is allowed at least ten days from the date the request is mailed to provide the information or take the required action.

(3) The request must include a statement of:

(a) The information or action needed;

(b) The date the information must be provided or action taken; and

(c) Failure to do so may result in termination or reduction of benefits.

(4) Action will be taken to reduce, suspend, or terminate assistance if the recipient:

(a) Does not take the action or provide the information within the ten day period; or

(b) Provides information or action which is inadequate or the information results in reduction or termination of benefits.

PROPOSED

NEW SECTION

WAC 388-418-0015 Recipient fails to provide requested information or take requested action. (1) When a recipient fails to provide information or take an action requested by the department, the recipient must receive adequate notice as defined under chapter 388-458 WAC for reduction, suspension or termination.

(2) When advance notice is required, assistance continues if the recipient does one of the following before the advance notice period ends:

(a) Takes the requested action; or

(b) Provides adequate information that does not result in result in reduction, suspension, or termination of assistance.

(3) A recipient will receive an additional adequate notice if the recipient provides the following before the advance notice period ends:

(a) Inadequate information; or

(b) Adequate information which results in reduction, suspension, or termination of assistance.

NEW SECTION

WAC 388-418-0020 Effective dates for changes. The following rules apply to recipients of all programs unless otherwise specified.

(1) When a change causes a cash assistance recipient to become ineligible or results in a change in grant amount, the effective date is the first day of the next month after the change occurred. However, for the following types of changes, the effective date is:

(a) The date a person who is added to the assistance unit enters the household or is determined eligible, whichever is later;

(b) The date of a change in shelter arrangement which makes the assistance unit eligible for a higher payment standard;

(c) The first regular monthly issuance when a person changes from one cash assistance program to another;

(d) In accordance with:

(i) Chapter 388-450 WAC when budgeting income;

(ii) Chapter 388-480 WAC when an assistance unit member is on strike;

(iii) Chapter 388-410 WAC when a grant deduction is imposed to collect an overpayment;

(iv) Chapter 388-462 WAC when a person receives GA-S based on relinquishment of a child for adoption; and

(v) Chapter 388-422 WAC when child support or spousal support is decreased; and

(vi) As specified by the department for changes in law or regulation.

(2) Eligibility for medical care services ends at the same time a recipient's general assistance or ADATSA eligibility is terminated.

(3) When a change makes a recipient ineligible or reduces the benefit amount, assistance will continue without change through the advance notice period even when the advance notice is beyond the effective date.

(4) When cash and food assistance benefits are continued beyond the effective date of a reduction or termination of

such benefits, an overpayment will be established for the amount the recipient was not eligible to receive.

(5) For prospectively budgeted food assistance households:

(a) The effective date of the change for an increase in benefits is the next allotment after the change is:

(i) Reported when the change is verified within the ten day period; or

(ii) Verified when the assistance unit does not send the requested verification within the ten day period.

(b) The effective date of the change for a decrease in benefits is the first of the next month after the advance notice period expires.

(6) For retrospectively budgeted food assistance households, the effective date of a change reported in the budget month is the first of the payment month.

(7) Eligibility for the newborn medical program ends on the last day of the month the child is no longer living with the mother.

NEW SECTION

WAC 388-418-0025 Effect of changes on medical. (1) Categorically needy (CN) medical is continued until a re-determination of eligibility is made for other medical programs when changes cause a client to become ineligible for:

(a) TANF/SFA; or

(b) SSI; or

(c) GA-H; or

(f) GA-S.

(2) When changes cause a refugee cash assistance client to be ineligible, refugee assistance can only be continued through the eight-month residence limit, as described in chapter 388-466 WAC.

(3) TANF/SFA cash recipients are eligible for a medical extension, as described under WAC 388-523-0100, when termination is a result of:

(a) Increased employment income; or

(b) Collection of, or increased collection of, child or spousal support.

(4) Clients who report changes in income or resources during a certification period will have their medical continued until eligibility is redetermined for:

(a) CN or medically needy (MN) for TANF/SFA, SSI, or refugee related medical; or

(b) Medically indigent (MI) program.

(5) Changes in income reported by clients during a certification period will not have an affect on medical eligibility for:

(a) The pregnant women's program; or

(b) The children's CN program; or

(c) The children's health program.

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

NEW SECTION

WAC 388-418-0030 Notifying a recipient of intent to reduce, suspend or terminate assistance. (1) For cash,

medical and food assistance a recipient must be notified ten days in advance of an action to reduce, suspend or terminate assistance. Certain types of circumstances do not require advance notice.

(2) When a ten day advance notice is not required:

(a) For cash assistance and medical, the notice must be mailed or given to the recipient by the date of the action to reduce, suspend or terminate the benefits.

(b) For food assistance, the notice must be mailed or given to the recipient by the date the benefits are received or should have been received.

(3) The ten day advance notice period is not required:

(a) For recipients of cash, medical, and food assistance when:

(i) The recipient's whereabouts are unknown and mail was returned by the post office marked no forwarding address;

(ii) The recipient requests termination;

(iii) The department has factual information that the assistance unit has moved to another state or will move to another state before the next benefits are issued; or

(iv) The recipient states in writing that they understand the information they provided will reduce, suspend or terminate their benefits.

(b) For cash and food assistance when the action is based on information provided on a monthly report.

(c) For cash and medical assistance when:

(i) The department has factual information that the recipient or nonrecipient caretaker has died when no other caretaker is available;

(ii) A recipient child is removed from the home under a court order or is voluntarily placed in foster care by the adult caring for the child; or

(iii) A recipient was admitted or committed to an institution which makes them ineligible for benefits.

(d) When a cash assistance recipient's benefits are reduced or terminated because of long-term hospital stay or the recipient is placed in a nursing home.

(e) For food assistance only, when:

(i) The department has factual information that all assistance unit members have died;

(ii) The federal or state government makes mass changes;

(iii) The benefits are reduced because cash assistance is approved;

(iv) An assistance unit member is disqualified for an intentional program violation and the benefits of the remaining members are reduced or terminated because of this disqualification; or

(v) The department reduces the allotment to collect for an overpayment and the assistance unit already received advance notice.

(4) A separate notice is not required:

(a) For cash and food assistance when:

(i) Benefits were approved the recipient was notified of the amount of benefits for each month because the amounts varied.

(ii) The recipient was already notified when a supplemental payment or increased allotment to restore lost benefits would end.

(b) For cash assistance, when the recipient was already notified that an emergent need payment was for one month only.

Chapter 388-420 WAC

CHEMICAL DEPENDENCY FOOD ASSISTANCE

NEW SECTION

WAC 388-420-010 Alcohol and drug treatment centers. (1) Food assistance is only available to a resident of a drug or alcohol treatment center when the treatment center is:

(a) Administered by a public or private nonprofit agency; and

(b) Certified by the division of alcohol and substance abuse (DASA).

(2) A resident is considered a one person assistance unit. However if the resident's spouse or child is also living in the treatment center, the spouse or child is included in the resident's assistance unit.

(3) The resident must have a designated employee of the treatment center act as an authorized representative as specified in chapter 388-460 WAC.

(4) The authorized representative receives and uses the food assistance benefits for meals the resident is served in the treatment center.

(5) The authorized representative also has responsibilities as specified in chapter 388-460 WAC.

Chapter 388-422 WAC

CHILD SUPPORT

NEW SECTION

WAC 388-422-0005 Assignment of support rights.

(1) To receive cash assistance under TANF, SFA, or GA-H, each client must assign to the state of Washington all rights to support for each person for whom the client is applying. This includes the rights to any support which has accrued before assignment is made. If a client fails to assign support rights for each person for whom assistance is requested, then cash assistance will be denied to the entire assistance unit.

(2) To receive medical assistance, each client must assign to the state of Washington all rights to medical support for each person for whom the client is applying. This includes the rights to any medical support which has accrued before assignment is made.

(3) Assignment is made when a client signs the application or accepts the cash or medical assistance.

(4) After assignment is made, a client must send any direct support they receive to the division of child support.

NEW SECTION

WAC 388-422-0010 Cooperation with division of child support. (1) When applying for or receiving TANF, SFA, GA-H, or Medicaid, the following individuals must cooperate with the division of child support (DCS) in estab-

lishing paternity and collecting support as specified in WAC 388-14-201:

(a) All persons for whom benefits are applied for or received; and

(b) The caretaker relative or court-appointed guardian of a child for whom benefits are applied for or received.

(2) For TANF and SFA, if a caretaker relative fails to cooperate with DCS without good cause according to WAC 388-422-0020, the cash grant paid to the assistance unit will be reduced by twenty-five percent of what they would otherwise have received.

(3) For Medicaid, if a caretaker relative fails to cooperate with DCS without good cause according to WAC 388-422-0020, that individual will be denied medical assistance unless they are pregnant.

(4) Cooperation is determined by the division of child support.

NEW SECTION

WAC 388-422-0020 Good cause for not cooperating with the division of child support. (1) An individual described under WAC 388-422-0010 is not required to cooperate with the division of child support if the department finds that cooperation is against the best interest of the child for whom child support is sought. A client has the right to claim good cause for refusing to cooperate and the department must determine if the claim is valid.

(2) The department will only determine cooperation is against the best interest of the child when:

(a) The individual's cooperation can reasonably be anticipated to result in serious physical or emotional harm to:

(i) The child; or

(ii) The caretaker relative, if it reduces the caretaker relative's capacity to adequately care for the child; or

(b) Establishing paternity or securing support would be harmful to the child who:

(i) Was conceived as a result of incest or forcible rape; or

(ii) Is the subject of legal adoption proceedings pending before a superior court; or

(iii) Is the subject of ongoing discussions between the parent and a public or licensed child placement agency to decide whether the parent will keep the child or put the child up for adoption. The discussions cannot have gone on for more than three months.

(3) A client has twenty days from the date good cause is claimed to provide information and evidence to support the claim, unless it cannot be obtained within such time.

(4) A client has the right to:

(a) Be informed of their right to claim good cause for refusing to cooperate;

(b) Receive a determination of their good cause claim within thirty days of the date the claim is made, as long as the necessary information and evidence was provided to the department within twenty days;

(c) Receive assistance without delay while their good cause claim is pending a determination, if they have provided supportive evidence and information; and

(5) Approved good cause claims will be reviewed at least every six months to determine if good cause continues to exist.

NEW SECTION

WAC 388-422-0030 Child support in excess of the TANF grant payment. A TANF recipient is ineligible when current child support collected by the division of child support exceeds the TANF grant payment for two consecutive months.

Chapter 388-424 WAC

CITIZENSHIP/ALIEN STATUS

NEW SECTION

WAC 388-424-0005 Citizenship and alien status—General eligibility conditions. (1) To receive benefits for temporary assistance for needy families (TANF), Medicaid, and federal food stamps, persons must be:

(a) U.S. citizens;

(b) U.S. nationals; or

(c) Qualified aliens who meet the additional conditions described in WAC 388-424-0010 and 388-424-0020.

(2) Qualified aliens are aliens:

(a) Who enter the U.S. as lawful permanent residents under the Immigration and Nationality Act (INA);

(b) Who are granted asylum under section 208 of the INA;

(c) Who are paroled into the U.S. under section 212(d)(5) of the INA for at least one year;

(d) Who are admitted to the U.S. as refugees under section 207 of the INA;

(e) Who are aliens whose deportation is being withheld under section 243(h) of the INA;

(f) Who are granted conditional entry into the U.S. under section 203 (a)(7) of the INA as in effect prior to April 1, 1980;

(g) Who are Cuban and Haitian entrants as defined in section (501)(e) of the Refugee Education Assistance Act of 1980; or

(h) Who are victims of domestic violence, or whose children are victims of domestic violence, when:

(i) The domestic violence is committed in the U.S. by the alien's spouse, parent, or a member of the spouse or parent's family residing in the same household as the alien; and

(ii) In situations where the children are the victims of domestic violence, the alien did not actively participate in the violence against his or her own children; and

(iii) The alien no longer resides with the person who committed the domestic violence; and

(iv) There is a substantial connection between the domestic violence and the need for public assistance benefits; and

(v) The alien has an application with the Immigration and Naturalization Service (INS) either approved or pending for:

(A) Immigration status as a lawful permanent resident under section 204(a) of the INA; or

(B) Suspension of deportation or cancellation of removal under section 244(a) of the INA.

(3) To receive benefits under the general assistance and ADATSA programs, persons must be:

(a) U.S. citizens;

(b) U.S. nationals;

(c) Qualified aliens; or

(d) Aliens permanently residing in the U.S. under color of law (PRUCOL).

(4) Aliens are considered to be PRUCOL when they are permanently residing in the U.S., but are not authorized to do so under the INA, and:

(a) The INS knows they are residing in the U.S., and

(b) The INS is not likely to enforce their departure.

(5) During the application process, one of the following persons must indicate on the application for benefits whether each household member is a U.S. citizen or qualified alien:

(a) An adult applicant in the household; or

(b) The person applying for benefits when there are no adults in the household.

NEW SECTION

WAC 388-424-0010 Alien status—Eligibility requirements for the temporary assistance for needy families program and medical benefits. (1) Qualified aliens who were residing in the U.S. before August 22, 1996 can receive temporary assistance for needy families (TANF) and Medicaid benefits.

(2) Qualified aliens who enter the U.S. on or after August 22, 1996 cannot receive TANF or Medicaid for five years after their date of entry, unless they are:

(a) Refugees admitted to the U.S. under section 207 of the Immigration and Nationality Act (INA);

(b) Aliens granted asylum under section 208 of the INA;

(c) Aliens whose deportation is being withheld under section 243(h) of the INA;

(d) Cuban and Haitian entrants as defined in section (501)(e) of the Refugee Education Assistance Act of 1980;

(e) Amerasians admitted to the U.S. under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as amended); or

(f) Lawful permanent residents who are:

(i) On active duty in the U.S. military, other than active duty for training;

(ii) Honorably discharged U.S. veterans;

(iii) Veterans of the military forces of the Philippines who served prior to July 1, 1946, as described in Title 38, section 107 of the U.S. code;

(iv) Hmong and Highland Lao veterans who served in the military on behalf of the U.S. Government during the Vietnam conflict; or

(v) The spouse or unmarried dependent children of a person described in subsections (i) through (iv).

(3) An alien who would qualify for Medicaid benefits, but is ineligible solely because of his or her alien status, can receive medical coverage as follows:

(a) State-funded categorically needy (CN) scope of care for

(i) Pregnant women, as specified in WAC 388-508-0820;

(ii) Children, through the children's health program, as specified in WAC 388-509-0920;

(iii) Persons eligible for or receiving cash assistance under the state family assistance program; and

(iv) Persons who were lawfully residing in the U.S. prior to August 22, 1996, including PRUCOL aliens as defined in WAC 388-424-0005(4).

(b) Alien emergency medical services to treat a medical condition which is acute and severe enough so that the absence of immediate medical attention is expected to result in:

(i) Serious jeopardy to the patient's health;

(ii) Impairment to bodily functions; or

(iii) Dysfunction of any bodily organ or part.

(4) A person's alien status is not used to determine eligibility for the medically indigent program as described in WAC 388-518-1805.

NEW SECTION

WAC 388-424-0015 Citizenship and alien status—Eligibility requirements for the state family assistance program. (1) Aliens who enter the U.S. on or after August 22, 1996 can receive state family assistance (SFA) only after an adult caretaker relative in the assistance unit has resided in Washington state for twelve consecutive months. This requirement:

(a) Applies to an alien only once during his or her lifetime; and

(b) Does not apply to North American Indians born in Canada who are allowed to cross the U.S./Canadian border freely under section 289 of the INA.

(2) To receive SFA benefits, persons must be:

(a) Qualified aliens who are not eligible for temporary assistance for needy families (TANF) benefits because of the five year period of ineligibility described in WAC 388-424-0010(2); or

(b) Aliens who are permanently residing in the U.S. under color of law (PRUCOL) as defined in WAC 388-424-0005(4).

NEW SECTION

WAC 388-434-0020 Citizenship and alien status—Eligibility requirements for the federal food stamp program. (1) Qualified aliens cannot receive federal food stamps unless they are:

(a) On active duty in the U.S. military, other than active duty for training;

(b) Honorably discharged U.S. veterans;

(c) Veterans of the military forces of the Philippines who served prior to July 1, 1946, as described in Title 38, section 107 of the U.S. code;

(d) The spouse or unmarried dependent children of a person described in sections (a) through (c) above.

PROPOSED

(2) Lawful permanent residents who have earned enough money to qualify for forty quarters of coverage under Title II of the Social Security Act can receive federal food stamps.

(a) For purposes of this rule, an alien can receive credit for each qualifying quarter of coverage earned by a:

(i) Parent while the alien was under age eighteen; or

(ii) Step-parent while the alien was under age eighteen and residing in the same household as the step-parent; or

(iii) Spouse during their marriage if the alien remains married to the spouse or the spouse is deceased.

(b) Any quarter of coverage earned after January 1, 1997 in which an alien receives the following benefits does not count as a qualifying quarter:

(i) Food Stamps;

(ii) Temporary assistance for needy families (TANF); or

(iii) Medicaid, except for coverage provided under the alien emergency medical program.

(3) Aliens admitted to the U.S. as refugees under section 207 of the Immigration and Nationality Act (INA) can receive federal food stamps during the five year period after their date of entry.

(4) The following aliens can receive federal food stamps during the five year period after the date they are granted their immigration status:

(a) Aliens granted asylum under section 208 of the INA;

(b) Aliens whose deportation is withheld under section 243(h) or 241 (b)(3) of the INA;

(c) Cuban and Haitian entrants, as defined in section 501(e) of the Refugee Education Act of 1980; and

(d) Amerasians admitted to the U.S. under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as amended).

Reviser's note: The above new section was filed by the agency as WAC 388-434-0020. This section is placed among sections forming new chapter 388-424 WAC, and therefore should be numbered WAC 388-424-0020. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

NEW SECTION

WAC 388-424-0025 Citizenship and alien status—Eligibility requirements for the food assistance program for legal immigrants. To receive benefits under the food assistance program for legal immigrants (FAP), a person must be:

(1) A qualified alien who cannot receive federal food stamps because of the eligibility restrictions described in WAC 388-424-0020; or

(2) An alien who is:

(a) Allowed to enter the U.S. for permanent residence by permission of the U.S. Attorney General under section 249 of the Immigration and Nationality Act (INA);

(b) Admitted for temporary residence under section 245A of the INA and is aged, blind, or disabled as described in Title XVI of the Social Security Act;

(c) Granted temporary resident status by the Immigration and Naturalization Service (INS) as a special agricultural worker under section 210 of the INA;

(d) Granted family unity status by the INS and the alien's spouse or parent is eligible to participate in FAP or the federal food stamp program.

Chapter 388-426 WAC

CLIENT COMPLAINTS

NEW SECTION

WAC 388-426-0005 Client complaints. (1) Clients who believe they have been discriminated against by the department for reason of age, race, color, sex, disability, religious creed, political beliefs or national origin, have the right to file a written complaint.

(a) Clients wishing to file a complaint of discrimination regarding food stamp benefits must send complaints to food and nutrition services (FNS).

(b) Clients of all other programs must send discrimination complaints to the state office of equal opportunity (OEO), Olympia WA.

(2) Clients with a complaint about a department decision or action have the right to present their complaint, in writing, to a supervisor. Within ten days of the receipt of the complaint:

(a) A decision will be made on the client's complaint; and

(b) The client will be sent written notice of the decision, including information about the right to further review by the local office administrator.

(3) Clients not satisfied with the decision of a supervisor have the right to present a written complaint to the local office administrator. Within ten days of the receipt of the complaint:

(a) A decision will be made on the complaint, and

(b) The client will be sent written notice of the decision.

(4) Written notice of the administrator's decision terminates the complaint procedure.

(5) The filing of a written complaint does not prevent a client from requesting a fair hearing under chapter 388-08 WAC.

(6) Clients have the right to speak to a worker's supervisor or have a decision or action reviewed by the supervisor, whether or not a formal complaint has been filed.

Chapter 388-428 WAC

CONFIDENTIALITY

NEW SECTION

WAC 388-428-0005 Treatment of confidential information. Department records are available to the public. However, all information about a client that the department has in its records is confidential. Confidential information can be released only under the circumstances described in this section. The following rules apply to cash, food and medical assistance programs.

(1) Confidential information may be given to a person who works directly with:

- (a) The federal Food Stamp Program or the state-funded food assistance program for legal immigrants;
 - (b) Other federally-funded public assistance programs;
- or
- (c) State-funded public assistance programs; or
 - (d) The child support program under Title IV-D of the Social Security Act; or
 - (e) For the federal food stamp program only, the Comptroller General's Office of the United States for audit purposes.

(2) For food assistance programs only, confidential information may be given to a local, state, or federal law enforcement officer who is investigating a possible violation of the Food Stamp Act or regulations. The request must be in writing and:

- (a) Identify the person requesting the information;
- (b) Include the authority of the person to make the request;
- (c) Describe the violation being investigated; and
- (d) Identify the client about whom the information is requested.

(3) Confidential information about a client may be released to a local, state or federal law enforcement officer who presents a written request that:

- (a) Identifies the person making the request and the authority of the person to make the request; and
- (b) Names the client; and
- (c) Clearly states that the request is made as part of an official duty; and
- (d) Clearly states that finding and apprehending the client is an official duty; and
- (e) Clearly states that the client is fleeing prosecution, or custody or confinement after conviction, for a crime that is a felony under the law of the place the person is fleeing; or
- (f) Clearly states that the client is violating a condition of probation or parole imposed under a federal or state law; or
- (g) Clearly states the client has information necessary for the officer to conduct an official duty related to subsection (3)(e) or (f) above; and
- (h) Limits the requested information to the address, SSN and, if available, photograph of the client.

(4) Information may be released to individuals or agencies with a valid release of information signed and dated by the client.

(5) The department cannot release confidential information including:

- (a) Names of persons providing information about a client or the client's household without the client's knowledge, and
- (b) The nature and status of pending criminal prosecutions.

(6) For medical assistance programs only, the department must keep medical records and services provided to clients confidential except for information shared with insurance companies, attorneys and doctors to coordinate health care coverage.

NEW SECTION

WAC 388-428-0010 Request for address disclosure by a parent when a child is living with a nonparental caretaker. (1) When TANF or SFA has been approved for a child who is living with a nonparental caretaker, the address and location of the child may be released to the child's parent when:

(a) The parent has legal custody of the child or is allowed visitation rights or residential time with the child under a court order;

(b) No court order restricts or limits the parent's right to contact or visit the child or the child's caretaker by imposing conditions to protect the child or the caretaker from harm;

(c) The department has not found that the caretaker has good cause for refusing to cooperate in child support enforcement activities related to the parent's support obligation;

(d) There is no substantiated claim or pending investigation involving abuse or neglect of any child by the parent.

(2) A parent may request the child's address and location:

(a) In person, with satisfactory evidence of identity, at the community services office where the child's record is being maintained;

(b) Through an attorney; or

(c) If residing outside the state of Washington, by submitting a notarized request.

(3) If the request for the child's address and location is based on a court order granting the parent legal custody, visitation rights or residential time, the parent must also submit:

(a) A copy of the court order; and

(b) A sworn statement that the order has not been modified.

(4) Prior to release of the child's address and location, the child's caretaker will be notified that:

(a) The child's parent has requested the information; and

(b) The information will be released within thirty days from the date of the notice unless the caretaker:

(i) Provides proof of a current investigation or pending court case involving the abuse or neglect of any child by the parent;

(ii) Provides a copy of a court order which prevents disclosure of the address or restricts the parent's right to contact or visit the caretaker or the child by imposing conditions to protect the caretaker or child from harm;

(iii) Requests a fair hearing which results in a decision that disclosure must be denied because of the existence of one or more of the conditions in subsection (1) of this section.

(5) A parent's request for disclosure of a child's address and location will be responded to within thirty-five days. The response will notify the parent:

(a) Of the child's address and location if the information may be disclosed;

(b) The reasons for denying the request if the information may not be disclosed; or

(c) That a decision has not been made because the child's caretaker:

(i) Has requested a hearing and a final hearing decision has not been entered; or

PROPOSED

(ii) Is claiming good cause for refusing to cooperate in child support enforcement activities related to the parent's support obligation and a final decision has not been made on the caretaker's claim.

(d) When the decision has not been made because of a pending fair hearing decision or good cause claim determination, the parent will be notified of the decision within ten days of the hearing decision or good cause determination.

Chapter 388-430 WAC

DEPRIVATION

NEW SECTION

WAC 388-430-0001 Establishing deprivation. (1) For TANF/SFA, a child must be deprived of the support and care of one or both parents due to one of the following reasons:

- (a) Death;
- (b) Absence;
- (c) Incapacity; or
- (d) Unemployment.

(2) Deprivation of a child due to death or absence ceases when the remaining parent marries.

(3) Deprivation of a child due to incapacity or unemployment does not apply when only one of the child's parents is living in the home.

(4) Deprivation for each child is established separately when children within a family have different parents.

NEW SECTION

WAC 388-430-0005 Deprivation due to absence. (1) A child is deprived due to the absence of a parent when a parent resides outside the child's home and does not provide to the child one of the following elements of parental functions:

- (a) Routine visits to the child;
- (b) Maintaining support and in-kind contributions at least equal to the child's prorated share of the monthly need standard for the child's assistance unit;
- (c) Performing or assisting with continuous day-to-day physical care of the child; or
- (d) Participating in and being responsible for day-to-day guidance of the child's physical, emotional, and intellectual development.

(2) Deprivation due to absence includes a two parent family when a parent convicted of an offense is permitted to live in the family home but is required by the court to perform unpaid work or unpaid community service. The needs of the convicted parent are not considered in the determination of eligibility or benefit payment to the assistance unit.

(3) Deprivation due to absence does not exist if the reason for the parent's absence from the child's home is due solely to serving on active duty in the United States military services.

(4) For applicants, deprivation due to absence does not exist if the parent is expected to return to the home within the first benefit month. Payment may be made for the first benefit month, but not the second month, if the parent will return within the second month.

(5) For recipients after the first two months of benefits, deprivation due to absence ceases to exist at the end of the month in which the parent returns to the home.

NEW SECTION

WAC 388-430-0010 Definition of maintenance, physical care and guidance. (1) Maintenance means the financial support and in-kind contributions paid directly to the child's household, including:

- (a) Child support;
- (b) Food;
- (c) Clothing; and
- (d) Other necessities.

(2) Physical care means continuous care of the child on a day-to-day basis by performing tasks, depending on the age of the child, required in the child's daily life including, but not limited to:

- (a) Providing clean clothing and dressing the child;
- (b) Preparing meals and feeding;
- (c) Supervising bedtime; and
- (d) Assisting with other personal care needs.

(3) Guidance means day-to-day parental participation in, and responsibility for, the child's physical, emotional, and intellectual development including, but not limited to:

- (a) Accompanying the child to doctor visits;
- (b) Attending school conferences;
- (c) Disciplining; and
- (d) Participating in decisions concerning the child's well-being and extracurricular activities.

NEW SECTION

WAC 388-430-0015 Deprivation due to incapacity. A child is deprived due to the incapacity of a parent when the child's parent meets all of the following conditions:

- (1) A physical or mental impairment is so severe that it substantially reduces or eliminates the parent's ability to support or care for the child; and
- (2) The incapacitating condition is expected to last at least thirty days from the date of the application; and
- (3) The incapacitating condition is supported by competent medical evidence.

NEW SECTION

WAC 388-430-0020 Deprivation due to unemployment. (1) Deprivation due to the unemployment of a parent requires that a qualifying parent be established. The qualifying parent is the parent who has earned the most income within the twenty-four month period immediately preceding the month of the application for benefits.

(2) Once determined, the qualifying parent continues as the qualifying parent throughout the time the family remains on cash assistance as a result of that application. The qualifying parent can be changed when an error was made in the initial designation.

(3) For applicants, a child is deprived due to the unemployment of a parent when the qualifying parent meets all of the following conditions:

PROPOSED

(a) Is not employed, or is employed under one hundred hours per month;

(b) Has been in the above status for at least thirty days, and during this time has not refused a bona fide offer of employment or training for employment, nor voluntarily left a job without good cause; and

(c) Has not refused to apply for or accept unemployment compensation benefits; and

(d) Meets one of the following requirements:

(i) At least six calendar quarters of work within thirteen consecutive quarters. The thirteen consecutive calendar quarters must be within a maximum period of seventeen quarters with quarter number one containing the month of application; or

(ii) Received or was eligible for unemployment compensation benefits within one year of the date of application for assistance.

(4) For recipients, the child remains deprived due to the unemployment of a parent even when the qualifying parent is working over one hundred hours within any month, or with continuous employment.

(5) For recipients, cash assistance may be terminated due to earnings by the qualifying parent in excess of the payment standard. If that employment ends within thirty days of the termination and the household reapplies, the qualifying parent does not need to meet the thirty-day unemployed applicant rule.

NEW SECTION

WAC 388-430-0025 Work quarters. The qualifying parent can meet a quarter of work if the parent has:

(1) Earned or received earned income of fifty dollars or more in a calendar quarter;

(2) Participated in a department sponsored program of education, training or employment services during a calendar quarter; or

(3) Earned a quarter of coverage under Social Security Administration criteria.

Chapter 388-434 WAC

ELIGIBILITY REVIEWS AND RECERTIFICATIONS

NEW SECTION

WAC 388-434-0005 Eligibility reviews for cash assistance and medical. (1) Clients receiving cash assistance are required to have eligibility redetermined at least once every twelve months on a form designated by the department. A family needs to complete only one form.

(2) A client's redetermination may be the scheduled review or initiated before the scheduled review when they have a number of eligibility changes. The redetermination includes:

(a) A review of each eligibility factor; and

(b) An evaluation of any change occurring since eligibility was established or last reviewed.

(3) For clients not receiving cash assistance, an eligibility redetermination date will be established in advance. For

programs which require a fixed beginning and ending date, eligibility redetermination will be initiated prior to the end of coverage.

(4) Clients receiving assistance will be responsible for completing and returning the department's eligibility review form, the department's eligibility redetermination form, or attending a scheduled interview.

(5) Clients who do not respond to a notice of redetermination will be considered to be withdrawing their request for continuing assistance. In this case, termination of medical assistance will be automatic.

(6) Clients will receive a notice when the cash and food assistance is suspended, terminated, or a benefit error is discovered during the review as specified under chapter 388-458 WAC.

(7) Clients not requesting a continuation of cash assistance have a right to be considered for other medical program eligibility.

NEW SECTION

WAC 388-434-0010 Recertification for food assistance. (1) A household reapplies timely when the department receives the application by:

(a) The fifteenth day of the last month of certification; or

(b) The fifteenth day after the household receives a notice of certification when the household's certification period is two months or less.

(2) A household completes the reapplication process when it:

(a) Submits a timely reapplication;

(b) Completes an interview; and

(c) Submits requested verification.

(3) A household receives uninterrupted benefits when the household completes the reapplication process timely. Uninterrupted benefits mean the household's benefits will continue to be mailed on the same mailing day of the month.

(4) A household that reapplies timely and completes the application process will receive a notice of approval or denial:

(a) By the end of the current certification period; or

(b) By the thirtieth day after the last allotment when the household was certified for one month.

(5) When a household that reapplies late, the reapplication is treated like an initial application and will be approved or denied using WAC 388-406-0035.

Chapter 388-436 WAC

EMERGENCY ASSISTANCE FOR CASH

NEW SECTION

WAC 388-436-0001 Additional requirement for emergent needs (AREN). (1) Clients eligible for temporary assistance for needy families (TANF), state family assistance (SFA) and refugee cash assistance (RCA) may request additional cash assistance when they do not have funds available to meet the following emergency situations:

PROPOSED

PROPOSED

- (a) To prevent eviction or foreclosure when the household has received a formal written notice;
 - (b) To secure new housing when:
 - (i) An eviction or foreclosure is not preventable;
 - (ii) It would cost less to obtain new housing than to prevent the eviction;
 - (iii) The dwelling puts the household's health or safety in danger and the landlord fails or refuses to correct the condition within the time allowed by law; or
 - (iv) Moving is necessary to escape an abusive spouse.
 - (c) To prevent a utility shutoff when the household has received a disconnect notice;
 - (d) To obtain necessary fuel for heating or cooking when the household has no fuel;
 - (e) To correct a sudden malfunction resulting in the loss of heat, water, electricity or cooking facilities. The household must be legally responsible for the repairs or replacement with no other alternative;
 - (f) To purchase food when no other resource is available;
 - or
 - (g) To help the household obtain housing and necessary clothing in the event of a declared natural disaster when funds are not available through a disaster relief program.
- (2) The additional cash payment is issued for the lower of:
- (a) The amount necessary to prevent or relieve the emergency; or
 - (b) The TANF payment standard for an assistance unit of that family's size with an obligation to pay a shelter cost.

NEW SECTION

- WAC 388-436-0005 AREN good cause.** (1) Clients requesting an additional cash benefit must show good reason why funds received or expected to be received during the month of request are not available to meet the emergency.
- (2) Clients in the following situations have good reason for the funds not being available and resulting in an emergency:
- (a) Cash from the grant has been stolen;
 - (b) The funds were used for necessities such as:
 - (i) Medical bills;
 - (ii) Dental care needed to obtain employment or because of pain;
 - (iii) Escape from abuse;
 - (iv) Paying for child care in an emergency;
 - (v) Temporary extra costs were needed for housing, food or clothing provided the action was reasonable.

NEW SECTION

- WAC 388-436-0010 Winterization.** (1) Clients eligible for cash assistance under TANF/SFA may be eligible for additional cash benefits for the purpose of winterizing their home.
- (2) Clients must meet all of the following conditions:
- (a) The clients must own or be purchasing their home;
 - (b) The primary reason for the repairs is to minimize heat loss or to increase the efficiency of the home heating system;

- (c) The repairs are necessary in order to make the home livable in the winter;
 - (d) Without the repairs, the clients would have to move to rental housing; and
 - (e) The cost of rental housing for two years would be more than the costs of remaining in their home, including the costs of the repairs.
- (3) Clients can receive funds from this program only once.
- (4) Payments under this program are made by vendor payment after the repairs have been completed.
- (5) The maximum payment for winterizing a home is five hundred dollars.

NEW SECTION

- WAC 388-436-0015 Consolidated emergency assistance program (CEAP).** (1) CEAP is available to the following persons:
- (a) A pregnant woman in any stage of pregnancy; or
 - (b) Families with dependent children.
- (2) Applicants must be residents of Washington state as defined in chapter 388-468 WAC.
- (3) Applicants must demonstrate a financial need for emergency funds for one or more of the following basic requirements:
- (a) Food;
 - (b) Shelter;
 - (c) Clothing;
 - (d) Minor medical;
 - (e) Utilities;
 - (f) Household maintenance supplies;
 - (g) Necessary clothing or transportation costs to accept or retain a job; or
 - (h) Transportation for a minor, not in foster care, to a home where care will be provided by family members or approved caretakers.
- (4) Payment under this program is limited to not more than thirty consecutive days within a period of twelve consecutive months.

NEW SECTION

- WAC 388-436-0020 CEAP assistance unit composition.** (1) To be eligible for CEAP, a child must be living with:
- (a) A parent or a relative of specified degree as defined under chapter 388-454 WAC; or
 - (b) Has lived with such a relative within six months of the request for assistance.
- (2) The following persons living in the household must be included as members of the CEAP assistance unit:
- (a) All full, half, or adopted siblings seventeen years of age or younger, including a minor parent; and
 - (b) The parent, adoptive parent, or stepparent living with the child or children.
- (3) The following persons living in the household do not have to be included but may be included as members at the option of the applicant:
- (a) One caretaker relative of specified degree when the child's parent does not live in the home;

(b) Stepbrothers or stepsisters to all children in the assistance unit.

(4) The following persons may make up a CEAP assistance unit without including others living in the home:

(a) The child of a parent who is a minor when the minor parent is not eligible due to the income and resources of his/her parents; or

(b) A pregnant woman when no other child is in the home.

(5) The following persons living in the household are not included as members of the CEAP assistance unit:

(a) A household member receiving Supplemental Security Income (SSI);

(b) A household member ineligible due to reasons stated in WAC 388-436-0025 and 388-436-0030.

NEW SECTION

WAC 388-436-0025 Eligibility conditions for CEAP—Job refusal. (1) Within thirty days of the date of application, applicants for CEAP can not have refused without good cause:

(a) A bona fide job offer; or

(b) Training for employment.

(2) Applicants have good cause for refusal when the applicant:

(a) Can not perform the work satisfactorily because of a physical, mental, or emotional inability;

(b) Is not able to get to and from the job without undue cost or hardship;

(c) Would be forced to perform hazardous work;

(d) Would be working for less than minimum wage or the wages are not customary for that type of work;

(e) Is offered the job only because of a labor dispute; or

(f) Is not able to obtain necessary child care.

(3) An applicant who cannot demonstrate good cause for refusing a job offer makes the entire assistance unit ineligible for CEAP:

(a) For thirty days from the date of refusal; or

(b) Until the applicant accepts employment, whichever comes first.

NEW SECTION

WAC 388-436-0030 Eligibility conditions for CEAP—Other possible resources. (1) As a condition of eligibility for CEAP, applicants must take all necessary steps to establish eligibility for the following programs:

(a) Temporary assistance for needy families (TANF);

(b) State family assistance (SFA);

(c) Refugee cash assistance (RCA);

(d) Supplemental security income (SSI);

(e) Medical assistance for those applicants requesting emergency medical care;

(f) Food assistance for those applicants declaring an emergency food need; and

(g) Unemployment compensation, if the applicant is potentially eligible.

(2) CEAP applicants under a grant penalty for failure to comply with program requirements of TANF/SFA, refugee

cash assistance, general assistance or SSI are treated as follows:

(a) All members are ineligible and the CEAP application is denied if compliance could have prevented the need for emergency assistance.

(b) Only the member responsible for the grant penalty is ineligible for CEAP if the compliance could not have prevented the need for emergency assistance.

NEW SECTION

WAC 388-436-0035 Income and resources. (1) Estimated income, resources and circumstances of the following persons are used in determining need and payment:

(a) All persons included as members of the CEAP assistance unit;

(b) If living in the home, the spouses and minor brothers and sisters of persons included as members of the CEAP assistance unit.

(2) Public assistance payments plus authorized additional requirements received in the calendar month of CEAP application are considered as income.

(3) The value of resources not listed as excluded in WAC 388-436-0040 is considered available to meet the emergent needs of the CEAP assistance unit.

NEW SECTION

WAC 388-436-0040 Excluded income and resources. Resources and income listed below will not be considered in determining need or payment:

(1) A home as defined under WAC 388-470-0030;

(2) One vehicle, running and used regularly by the assistance unit, with an equity value not to exceed one thousand five hundred dollars);

(3) Household furnishings being used by the assistance unit;

(4) Personal items being used by members of the assistance unit;

(5) Tools and equipment being used in the applicant's occupation;

(6) The value of the coupon allotment under the Food Stamp Act of 1977, as amended;

(7) Benefits received under the women, infants and children program (WIC) of the child nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act, as amended;

(8) Energy assistance payments;

(9) Grants, loans, or work study to a student under Title IV of the Higher Education Amendments or Bureau of Indian Affairs for attendance costs as identified by the institution;

(10) Income and resources of an SSI recipient;

(11) Livestock when the products are consumed by members of the assistance unit;

(12) All resources and income excluded by Federal Law.

NEW SECTION

WAC 388-436-0045 Income deductions. The following deductions are allowed from the assistance unit's income:

(1) Ninety dollar work expense from each member's earned income;

(2) Actual payments made by a member with earned income for care of a member child up to the following maximums:

Hours Worked Per Month	Each Child Under Two Years	Each Child Two Years Or Older
0 - 40	\$ 50.00	\$ 43.75
41 - 80	100.00	87.50
81 - 120	150.00	131.25
121 or More	200.00	175.00

(3) Verified expenses for members of the assistance unit during the current month as follows:

- (a) Medical bills;
- (b) Child care paid in an emergency in order to avoid abuse;
- (c) Dental care to relieve pain; or
- (d) Costs incurred in obtaining employment.

NEW SECTION

WAC 388-436-0050 Financial need—Benefit amount. (1) The CEAP assistance unit's net income must be less than ninety percent of the TANF shelter payment standard. The ninety percent cutoff is as follows:

Recipients CEAP AU	Net Income Cutoff
1	\$ 314
2	396
3	491
4	577
5	666
6	756
7	873
8 or more	967

(2) After this test is met, the net income is combined with:

- (a) Cash on hand, if not already counted as income; and
- (b) The value of other countable resources.

(3) The assistance unit's eligibility and payment amount is determined by subtracting the combined net income and resources from the lower amount of subsection (a) or (b) below:

(a) The maximum amount allowed for each need item as follows:

Need Item	Amounts allowed by household member count							
	1	2	3	4	5	6	7	8 or more
Food	\$211	\$268	\$332	\$391	\$450	\$511	\$583	\$645
Shelter	258	325	404	476	548	621	719	795
Clothing	30	38	47	56	64	73	83	94
Minor Medical	179	228	282	332	382	432	501	554

Need Item	Amounts allowed by household member count							
	1	2	3	4	5	6	7	8 or more
Utilities	87	110	136	160	184	210	243	268
Household maintenance	64	81	100	118	136	155	178	197
Job related transportation or Clothing	349	440	546	642	740	841	971	1075

(b) The amount required to meet the emergent needs as declared by the household.

(4) Clients are denied CEAP assistance if the combined net income and resources are more than the lower amount of subsection (a) or (b) above.

(5) The total CEAP payment cannot exceed the TANF shelter payment standard as follows:

Recipients In Household	Payment Standard
1	\$ 349
2	440
3	546
4	642
5	740
6	841
7	971
8 or more	1075

Chapter 388-437 WAC

EMERGENCY ASSISTANCE FOR FOOD STAMPS

NEW SECTION

WAC 388-437-0001 Disaster food stamp program.

(1) Assistance units that suffer a loss as a result of a federally declared disaster may receive disaster food stamp benefits.

(2) Food and nutrition services (FNS) must approve use of this program when a disaster is declared.

Chapter 388-438 WAC

MEDICALLY INDIGENT

NEW SECTION

WAC 388-438-0100 Medically indigent (MI) program. (1) The medically indigent (MI) program is a state funded medical program limited to coverage for emergency medical services.

(a) An emergency medical condition is described in WAC 388-500-0005;

(b) The qualifying emergency medical condition must have occurred in the month of application or within the three months immediately preceding the month of application;

(c) A client must have incurred an emergency medical expense requirement (EMER) of two thousand dollars per

PROPOSED

family over a twelve-month period. Qualifying EMER expenses are:

- (i) Emergency hospital services and related physician services in a hospital; and
 - (ii) Emergency ground or air ambulance transportation to a hospital.
- (2) The EMER period:
- (a) Begins on the first day of the month of certification for MI; and
 - (b) Continues through the last day of the following twelve-calendar months.
- (3) If a client does not meet the EMER amount within the three month base period, as described in WAC 388-519-0100, the amount incurred can be applied to any other application for MI within twelve-month period described in subsection (2).
- (4) A client is limited to only one three month period of MI eligibility per twelve-month EMER period.
- (5) A client in a nursing facility can exceed the three month MI eligibility limit.
- (6) Treatment under the involuntary treatment act (ITA) and DETOX services qualify as emergency conditions for MI, but the client is exempt from the EMER requirement for these services.
- (7) If a client's income and/or resources exceed the standards for this program, as described in WAC 388-478-0070, the excess must be spent down as described in WAC 388-519-0100, to be eligible for MI.
- (8) A person is not eligible for MI if they:
- (a) Are eligible for, or receiving, any other cash or medical program; or
 - (b) Entered the state specifically to obtain medical care;
- or
- (c) Are an inmate of a federal or state prison.

NEW SECTION

WAC 388-438-0110 Alien emergency medical. An alien, not eligible for other medical programs, is eligible for emergency medical care and services:

- (1) Regardless of their date of arrival in the United States;
- (2) Except for citizenship, meets Medicaid eligibility requirements as described in WAC 388-505-0210, 388-505-0220 or WAC 388-505-0110; and
- (3) Only for the necessary treatment of an alien's emergency medical condition as defined in WAC 388-500-0005, except that organ transplants and related medical care services are not covered.

Chapter 388-440 WAC

EXCEPTION TO RULE

NEW SECTION

WAC 388-440-0001 Exception to rule. (1) The secretary of DSHS, or designee, authorizes department staff to request an exception to a rule in the Washington Administrative Code for individual cases when:

- (a) The exception would not contradict a specific provision of federal law or state statute; and
 - (b) The person's situation differs from the majority; and
 - (c) It is in the interest of overall economy and the person's welfare; and
 - (d) It increases opportunities for the person to function effectively; or
 - (e) An individual has an impairment or limitation that significantly interferes with the usual procedures required to determine eligibility and payment.
- (2) The secretary or the secretary's designee makes the final decision on all requests for exception to a rule.
- (3) Clients have no fair hearing rights as defined under chapter 388-08 WAC regarding exception to rule decisions by department staff.
- (4) Clients who do not agree with a decision on an exception to rule may file a complaint according to chapter 388-426 WAC.

NEW SECTION

WAC 388-440-0005 Exception to rule—Notification requirement. (1) Clients are notified in writing within ten days of:

- (a) The department staff's decision to file an exception to rule request; or
 - (b) The department's decision to approve or deny an exception to rule request.
- (2) The notice will include the complaint procedures as specified in chapter 388-426 WAC.

Chapter 388-442 WAC

FELONS

NEW SECTION

WAC 388-442-0010 Felons. (1) A person is not eligible for TANF/SFA, GA and food assistance if the person is:

- (a) Fleeing to avoid prosecution, custody, or confinement after conviction for a crime, or an attempt to commit a crime which is considered a felony from the place they were fleeing; or
 - (b) Violating a condition of probation or parole as determined by an administrative body or court that has the authority to make this decision.
- (2) A person is not eligible for TANF/SFA and food assistance if convicted of a felony committed after August 21, 1996 involving possession, use, or distribution of an illegal drug, unless the person:
- (a) Was convicted only of possession or use of an illegal drug; and
 - (b) Was not convicted of a felony for illegal drugs within three years of the latest conviction; and
 - (c) Was assessed as chemically dependent by a program certified by the division of alcohol and substance abuse (DASA); and
 - (d) Is taking part in or has completed a rehabilitation plan consisting of chemical dependency treatment and job services.

Chapter 388-444 WAC

FOOD STAMP EMPLOYMENT AND TRAINING

NEW SECTION

WAC 388-444-0005 The food stamp employment and training (FS E&T) program—General requirements.

(1) To receive food assistance some clients must register for work and if required by the department, must participate in the food stamp employment and training (FS E&T) program.

(2) Clients who must register for work and may be required to participate in FS E&T are called nonexempt clients. All other members of the food assistance unit are called exempt clients.

(3) All nonexempt members of the food assistance unit are registered for work by the department, at the first food assistance application and once every twelve months thereafter. A person who enters an existing assistance unit will be registered for work and FS E&T, if not exempt.

NEW SECTION

WAC 388-444-0010 Clients who are required to register for work and must participate in FS E&T. The following clients are nonexempt, must register for work and are required to participate in FS E&T:

- (1) Age sixteen through fifty-nine with dependents;
- (2) Age sixteen or seventeen, not attending secondary school and not the head-of-household;
- (3) Age fifty through fifty-nine with no dependents.
- (4) Age eighteen to fifty, able-bodied and with no dependents as provided in WAC 388-444-0045.

NEW SECTION

WAC 388-444-0015 Clients who are not required to register for work or participate in FS E&T (exempt clients). Clients not required to register for work or to participate in FS E&T are those who are:

- (1) Age sixteen or seventeen and not the head-of-household and:
 - (a) Attending high school at least half time; or
 - (b) Enrolled in a program under temporary assistance for needy families (TANF), a program under Job Training Partnership Act (JTPA), a program under section 236 of the Trade Act of 1974, or other state or local employment and training programs at least half time;
- (2) Physically or mentally unable to work;
- (3) Responsible for the care of a dependent child under six years of age or of an incapacitated person;
- (4) Applying for or receiving unemployment compensation (UC);
- (5) Participating in an employment and training program under TANF;
- (6) Employed or self-employed thirty hours or more per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty. This includes migrant and seasonal farm workers under contract or agreement with an employer;

(7) Enrolled as a student as defined in chapter 388-482 WAC, Student status; or

(8) Regularly participating in a drug addiction or alcoholic treatment and rehabilitation program.

NEW SECTION

WAC 388-444-0020 Clients who must register for work but are not required to participate in FS E&T. The following clients must register for work but are exempt from participation in the FS E&T program:

- (1) Participants in a refugee assistance program;
- (2) Clients living in an area where the FS E&T program is not provided (exempt area);
- (3) Clients who live one hour or more travel distance from available FS E&T services;
- (4) Clients who do not have a mailing address or message telephone;
- (5) Clients who have a temporary incapacity expected to last sixty or more days; or
- (6) Clients who have dependent care needs that exceed the maximum amount payable by the department. The exemption continues until:
 - (a) A different work activity is available; or
 - (b) Circumstances change and monthly dependent care costs no longer exceed the reimbursement limit set by the department.

NEW SECTION

WAC 388-444-0030 Payments for FS E&T related expenses. (1) Some of a client's actual expenses needed to participate in the FS E&T program may be paid by the department. Allowable expenses are:

- (a) Transportation related costs; and
 - (b) Dependent care costs for each dependent six through twelve years of age.
- (2) Dependent care payments are not paid if:
- (a) The child is thirteen years of age or older unless the child is:
 - (i) Physically and/or mentally incapable of self-care; or
 - (ii) Under court order requiring adult supervision; or
 - (b) Any member in the food assistance unit provides the dependent care.
- (3) Dependent care payments paid by the department cannot be claimed as an expense and used in calculating the dependent care deduction as provided in chapter 388-450 WAC, Computing food assistance benefits.

NEW SECTION

WAC 388-444-0035 Good cause for not participating in the FS E&T program. (1) A nonexempt client may have good cause for refusing or failing to participate in the FS E&T program.

- (2) Good cause reasons include, but are not limited to:
- (a) Illness of the client;
 - (b) Illness of another household member requiring the help of the client;
 - (c) A household emergency;

- (d) The unavailability of transportation; or
- (e) Lack of adequate dependent care for children six through twelve years of age.
- (3) A client who is determined by the department to lack good cause for failing or refusing to participate in FS E&T is disqualified and is not eligible to receive food assistance.

NEW SECTION

WAC 388-444-0040 FS E&T disqualifications. (1) A nonexempt client who refuses or fails to comply with the requirements of the FS E&T program without good cause as provided in WAC 388-444-0035, is disqualified and cannot receive food assistance. The disqualified client is an ineligible assistance unit member as provided in chapter 388-450 WAC. The remaining members of the assistance unit continue to be eligible for food assistance.

(2) The client is disqualified for the following minimum periods of time and until the conditions in subsection (5) of this section are met:

- (a) For the first failure to comply, a minimum of one month;
- (b) For the second failure to comply, a minimum of three months; and
- (c) For the third or subsequent failure to comply, a minimum of six months.

(3) If a client becomes exempt under WAC 388-444-0015, a disqualification ends when the client has served the one, three, or six month disqualification penalty period and if required, is registered for work.

(4) A nonexempt client disqualified under any of the following conditions is also disqualified under FS E&T and cannot receive food assistance:

- (a) Under WorkFirst sanction as provided in chapter 388-310 WAC;
- (b) Disqualified from receiving unemployment compensation; or
- (c) Sanctioned for failing to comply with work requirements under the refugee cash assistance program as provided in chapter 388-466 WAC.

(5) At the end of a disqualification period, a client may apply to reestablish eligibility.

(6) Each client has a right to a fair hearing as provided in WAC 388-08-413, Application for an adjudicative proceeding.

NEW SECTION

WAC 388-444-0045 Work requirements for persons who are able-bodied adults without dependents (ABAWDS). (1) Clients who are age eighteen to fifty and have no dependents must, unless exempt, participate in specific employment and training activities to receive food assistance.

(2) Nonexempt clients who fail to participate are eligible for no more than three months of food assistance in a thirty-six month period.

(3) Except as provided in WAC 388-444-0050, a person is not eligible to receive food assistance for more than three

full months in the thirty-six month period beginning January 1, 1997 unless that person:

- (a) Works at least twenty hours a week averaged monthly; or
- (b) Participates in and complies with the requirements of a work program for twenty hours or more per week; or
- (c) Participates in a workfare program as provided in WAC 388-444-0060.
- (4) A work program is defined as a program under:
 - (a) The Job Training Partnership Act (JTPA);
 - (b) Section 236 of the Trade Act of 1974; or
 - (c) A state-operated employment and training program.

NEW SECTION

WAC 388-444-0050 Clients who are exempt from ABAWD provisions. A client is exempt from the ABAWD rules provided in WAC 388-444-045 when:

- (1) Under eighteen or over forty-nine years of age;
- (2) Physically or mentally unable to work;
- (3) A parent or other member of a household with responsibility for a dependent child under eighteen or an incapacitated person;
- (4) A pregnant woman;
- (5) Living in an exempt area approved by U.S. Department of Agriculture; or
- (6) Otherwise exempt under food stamp employment and training as follows:
 - (a) Complying with the work requirements of the Work-First program;
 - (b) Receiving unemployment compensation (UC);
 - (c) A student enrolled at least half time in any recognized school;
 - (d) A regular participant in a chemical dependency treatment program; or
 - (e) Employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate multiplied by thirty hours.

NEW SECTION

WAC 388-444-0055 Regaining eligibility for food assistance. (1) A client who is ineligible for food assistance because that client has exhausted the three-month limit in WAC 388-444-0045, can regain eligibility by:

- (a) Working eighty hours or more during a thirty-day period;
- (b) Participating in and complying with a work program for eighty hours or more during a thirty-day period; or
- (c) Participating in and complying with a workfare program.

(2) A client who regains eligibility for food assistance under subsection (1) of this section is eligible as long as the requirements of subsection (1) of this section are met.

(3) If otherwise eligible, clients who regain eligibility in subsection (1) of this section and then loses employment or stops participating in a work program or in Workfare through no fault of their own will receive an additional three-consecutive months of food assistance. The three-month certification is allowed only once in the thirty-six month period.

NEW SECTION

WAC 388-444-0060 Workfare. (1) Workfare is a work program available to clients eighteen to fifty years of age who are able to work and have no dependents.

(2) Workfare consists of:

(a) Thirty days of job search activities in the first month beginning with the first day of application or sixteen hours of volunteer work with a public or private nonprofit agency; and

(b) In subsequent months, sixteen hours per month of volunteer work with a public or private nonprofit agency.

(3) A client is not required to perform Workfare and paid work for more than a total of thirty hours a week.

(4) The department pays for some of a client's actual expenses needed for the client to participate in Workfare.

NEW SECTION

WAC 388-444-0065 FS E&T—Unsuitable employment. Nonexempt clients participating in FS E&T must accept a bona fide offer of suitable employment. Employment is considered unsuitable when:

(1) The wage offered is less than the federal or state minimum wage, whichever is highest;

(2) The job offered is on a piece-rate basis and the average hourly yield expected is less than the federal or state minimum wage, whichever is highest;

(3) The employee, as a condition of employment, is required to join, resign from or barred from joining any legitimate labor union;

(4) The work offered is at a site subject to strike or lock-out at the time of offer unless:

(a) The strike is enjoined under the Taft-Hartley Act; or

(b) An injunction is issued under section 10 of the Railway Labor Act.

(5) The degree of risk to health and safety is unreasonable;

(6) The client is physically or mentally unable to perform the job as documented by medical evidence or reliable information from other sources;

(7) The employment offered within the first thirty days of registration for FS E&T is not in the client's major field of experience;

(8) The distance from the client's home to the job is unreasonable considering the wage, time and cost of commute:

(a) The job is not suitable when daily commuting time exceeds two hours per day, not including transporting a child to and from child care; and

(b) The job is not suitable when the distance to the job prohibits walking and public or private transportation is not available.

(9) The working hours or nature of the job interferes with the client's religious observances, convictions, or beliefs.

NEW SECTION

WAC 388-444-0070 Quitting a job. (1) A client who quits their most recent job without good cause is not eligible for food assistance if:

(a) The client was working twenty hours or more per week or the job provided weekly earnings equal to the federal minimum wage multiplied by twenty hours; and

(b) The quit occurred within sixty days prior to application for food assistance or any time thereafter;

(c) At the time of quit, the person would have been required to register for work.

(2) A client is not eligible to receive food assistance if the client has participated in a strike against a federal, state or local government and has lost their employment because of such participation.

NEW SECTION

WAC 388-444-0075 Good cause for quitting a job.

(1) Good cause for quitting a job includes the following:

(a) For FS E&T participants, circumstances included under WAC 388-444-0035;

(b) For all food assistance client, the employment is unsuitable as defined under WAC 388-444-0065;

(c) The client is discriminated against by an employer based on age, race, sex, color, religious belief, national origin, political belief, marital status, or the presence of any sensory, mental, or physical disability or other reasons in RCW 49.60.180;

(d) Work demands or conditions make continued employment unreasonable, such as working without being paid on schedule;

(e) The client accepts other employment or is enrolled at least half time in any recognized school, training program, or institution of higher education;

(f) The client must leave a job because another assistance unit member accepts a job or is enrolled at least half time in any recognized school, training program, or institution of higher education in another county or similar political subdivision and the assistance unit must move;

(g) The client who is under age sixty and retires as recognized by the employer;

(h) The client accepts a bona fide offer of employment of twenty or more a week or where the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours. However, because of circumstances beyond the control of the client, the job either does not materialize or results in employment of twenty hours or less a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours; and

(i) The client leaves a job in connection with patterns of employment where workers frequently move from one employer to another, such as migrant farm labor or construction work.

(2) A client who quits the most recent job is eligible for food assistance if the circumstances of the job involve:

(a) Changes in job status resulting from reduced hours of employment while working for the same employer;

(b) Termination of a self-employment enterprise; or

(c) Resignation from a job at the demand of an employer.

(3) The client must verify good cause for quitting. Food assistance is not denied if the client and the department are unable to obtain verification.

NEW SECTION

WAC 388-444-0080 Disqualifications for quitting a job without good cause. (1) If the client quits without good cause, the client is disqualified. The client is disqualified for the following minimum periods of time and until the conditions in subsection (2) of this section are met:

- (a) For the first quit, a minimum of one month;
- (b) For the second quit, a minimum of three months; and
- (c) For the third or subsequent quit, a minimum of six months.

(2) The client may re-establish eligibility after the disqualification, if otherwise eligible by:

- (a) Getting a new job;
- (b) In nonexempt areas, participating in the FS E&T program;
- (c) Participating in Workfare as provided in WAC 388-444-0060;
- (d) Becoming exempt as provided in WAC-388-444-0015 or WAC 388-444-0020;
- (e) Applying for or receiving unemployment compensation; or
- (f) Participating in WorkFirst.

(3) If a disqualified client moves from the assistance unit and joins another assistance unit, the client continues to be treated as an ineligible member of the new assistance unit for the remainder of the disqualification period.

Chapter 388-446 WAC**FRAUD****NEW SECTION**

WAC 388-446-0001 Cash and medical assistance fraud. (1) All cash or medical assistance cases in which substantial evidence is found supporting a finding of fraud are referred to the county prosecuting attorney. The prosecuting attorney's office determines which cases are subject to criminal prosecution.

(2) An applicant or recipient is suspected of committing fraud if intentional misstatement or failure to reveal information affecting eligibility results in an overpayment.

NEW SECTION

WAC 388-446-0005 Disqualification period for cash assistance. (1) An applicant or recipient convicted of unlawful practices in obtaining cash assistance is disqualified from receiving further cash benefits if:

- (a) For TANF/SFA, the conviction was based on actions which occurred on or after May 1, 1997; or
- (b) For general assistance, the conviction was based on actions which occurred on or after July 23, 1995.

(2) The disqualification period must be determined by the court and will be:

- (a) For a first conviction, no less than six months; and
- (b) For a second or subsequent conviction, no less than twelve months.

(3) The disqualification applies only to the person convicted and begins on the date of conviction.

(4) Recipient's cash benefits are terminated following advance or adequate notice requirements (see WAC 388-418-0030, Change of circumstances).

(5) Applicants are denied cash benefits for the duration of the disqualification period as specified in WAC 388-446-0010.

NEW SECTION

WAC 388-446-0010 TANF disqualification period for fraud convictions of misrepresenting interstate residence. (1) An applicant or recipient is disqualified from receiving cash benefits under TANF if convicted of fraud by misrepresentation of residence in order to receive assistance from two or more states at the same time from any assistance program funded by the following:

- (a) TANF and any other benefit authorized by Title IV-A of the Social Security Act; or
- (b) Any benefit authorized by The Food Stamp Act of 1997; or
- (c) Any benefit authorized by Title XIX, Medicaid; or
- (d) SSI benefits authorized by Title XVI.

(2) The disqualification penalty is applied as follows:

- (a) Only to convictions based on actions which occurred on or after May 1, 1997; and
- (b) Only to the person convicted of fraud in federal or state court; and
- (c) For a disqualification period of ten years or a period determined by the court, whichever is longer.

(3) The disqualification period begins the date the person is convicted of fraud by misrepresentation of residence in order to receive assistance from two or more states at the same time.

(4) The provisions of subsections (1) through (3) of this section do not apply when the President of the United States has granted a pardon for the conduct resulting in the conviction of fraud by misrepresentation of residence. The disregard of the provisions because of a pardon is effective the date the pardon is granted and continues for each month thereafter.

NEW SECTION

WAC 388-446-0015 Intentional program violation (IPV) and disqualification hearings for food assistance.

(1) An intentional program violation (IPV) is defined as an act in which a person intentionally:

- (a) Makes a false or misleading statement;
- (b) Misrepresents, conceals or withholds facts; or
- (c) Acts in violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

(2) Food assistance clients suspected of committing an (IPV) are subject to referral for an administrative disqualification hearing, if:

- (a) The suspected IPV causes an overissuance of four hundred fifty dollars or more; and

(b) The administrative proceedings will not jeopardize criminal proceedings; and

(c) The person resides in Washington state, at the time of the referral; or

(d) The person resides outside Washington state, but is within one hour's reasonable drive to a CSO.

(3) An administrative disqualification hearing (ADH) is a formal hearing to determine if a person committed an IPV. ADHs are governed by the rules found in chapter 388-08 WAC. Rules in this section are the overriding authority if there is a conflict.

(4) A client who commits one or more IPV's and is suspected of committing another, is referred for an ADH when the act of suspected violation occurred:

(a) After the department mailed the disqualification notice to the client for the most recent IPV; or

(b) After an order was entered in criminal proceedings for the most recent IPV.

(5) A person suspected of IPV is entitled to receive notice of an ADH at least thirty days in advance of the hearing date. The notice is sent by certified mail, or provided to the client by personal service and contains the following:

(a) The date, time, and place of the hearing;

(b) The charges against the individual;

(c) A summary of the evidence, and how and where the evidence can be examined;

(d) A warning that a decision will be based solely on evidence provided by the department, if the individual fails to appear at the hearing;

(e) A statement that the individual has ten days from the date of the scheduled hearing to show good cause for failure to appear at the hearing and to request rescheduling;

(f) A warning that a determination of IPV will result in a disqualification period; and

(g) A statement that if a telephone hearing is scheduled, the individual can request an in-person hearing by filing a request with the administrative law judge one week or more prior to the date of the hearing.

(6) The person or a representative shall have the right to one continuance of up to thirty days if a request is filed ten days or more prior to the hearing date.

(7) The hearing will be conducted and a decision rendered even if the person or representative fail to appear, unless within ten days from the date of the scheduled hearing:

(a) The person can show good cause for failing to appear; and

(b) The person or representative requests the hearing be re-instated.

(8) A scheduled telephone hearing may be changed to an in-person hearing if requested one week or more in advance. If requested less than one week in advance the person must show good cause for the requested change.

(9) The ALJ's decision is based on evidence presented by the department establishing the person committed and intended to commit an IPV.

(10) A final decision of the disqualification hearing is mailed within ninety days of the date the client receives the notice of hearing.

(11) A client's disqualification is not implemented and benefits continue at the current amount when:

(a) The client can show good cause for not attending the hearing within thirty days from the date the disqualification notice was mailed; and

(b) An administrative law judge determines the client had good cause; or

(c) The client files a petition for review to appeal the disqualification

(12) An administrative disqualification hearing and an overissuance hearing can be combined when the cause for both hearings is related. The hearing procedures and notice requirements are the same as for administrative disqualification hearings.

NEW SECTION

WAC 388-446-0020 Food assistance disqualification penalties. (1) Disqualification penalties apply only to the person or persons found to have committed an intentional program violation (IPV) as follows:

(a) If the intentional program violation occurred in whole or in part after the household was notified of the following penalties:

(i) Twelve months for the first violation;

(ii) Twenty-four months for the second violation;

(iii) Permanently for the third violation.

(b) If the violation ended before the household was notified of the penalties in subsection (1)(a) of this section:

(i) Six months for the first violation;

(ii) Twelve months for the second violation;

(iii) Permanently for the third violation.

(2) The disqualification and penalty period for a person convicted in another state stays in effect until satisfied regardless of where a person moves.

(3) Multiple program violations are considered as one violation when determining the penalty for disqualification when the violations occurred before the department notified the household of the penalties, as described in subsection (1), (4) and (5) of this section.

(4) Disqualification penalties for persons convicted by a federal, state, or local court of trading or receiving food coupons for a controlled substance are:

(a) Two years for a first conviction; and

(b) Permanently for a second conviction.

(5) A first conviction by federal, state, or local court permanently disqualifies persons who:

(a) Trade or receive food coupons for firearms, ammunition, or explosives; or

(b) Knowingly buy, sell, trade, or present for redemption food coupons totalling five hundred dollars or more in violation of section 15(b) & (c) of the Food Stamp Act of 1977, as amended.

(6) Persons convicted of providing false identification or residency information to receive multiple coupon benefits are disqualified for ten years.

(7) When a court convicts a person of an IPV, the disqualification penalties specified in subsection (1) through (5) apply as follows;

(a) In addition to any civil or criminal penalties; and

(b) Within forty-five days of the date of conviction; unless

(c) Contrary to the court order.

(8) Disqualification penalties are applied after notifying the household of the disqualification, the effective date, the amount of benefits the household will receive during the disqualification period and the need to reapply when the certification period expires.

(9) Even though only the individual is disqualified, the food assistance household is responsible for making restitution for the amount of any overpayment.

Chapter 388-448 WAC

INCAPACITY

NEW SECTION

WAC 388-448-0001 Who is eligible for general assistance-unemployable? To be eligible for benefits under the general assistance-unemployable (GA-U) program a client must be:

- (1) Eligible for payments based on Social Security Administration disability criteria; or
- (2) Eligible for services from division of developmental disabilities; or
- (3) Diagnosed as mentally retarded and the diagnosis is substantiated by a full scale score of seventy or lower on the Wechsler Adult Intelligence Scale (WAIS); or
- (4) Sixty-five years of age or older; or
- (5) Released from inpatient psychiatric treatment and for ninety days following the date of release if:
 - (a) Participating in direct outpatient mental health treatment services; and
 - (b) The release was not against medical advice; or
- (6) Eligible for long-term care services from aging and adult services administration; or
- (7) Released from aging and adult services long-term care services and for ninety days following the date of release; or
- (8) Approved by the Progressive Evaluation Process (PEP).

NEW SECTION

WAC 388-448-0005 The following criteria is used to determine if a child is deprived of parental support due to incapacity. Deprivation due to incapacity exists when one or both parents in a two parent household:

- (1) Is unable to support or care for a child because of a physical or mental incapacity. The incapacity must be supported by medical evidence and be expected to last at least thirty days; or
- (2) Is eligible for payments based on Social Security Administration disability criteria; or
- (3) Has a fifty percent or greater disability rating from the Veteran's Administration.

Chapter 388-450 WAC

INCOME

NEW SECTION

WAC 388-450-0005 Income—Ownership and availability. The following rules apply to TANF/SFA, RCA, GA, medical and food assistance programs:

(1) All available income owned or possessed by a client is considered when determining the client's eligibility and benefit level.

(2) Ownership of income is determined according to applicable state and federal laws pertaining to property ownership and eligibility for assistance programs. For married persons, ownership of separate and community income is determined according to chapter 26.16 RCW.

(3) Income owned by a client is considered available when it is at hand and may be used to meet the client's current need.

(4) When the department determines that a client may be entitled to or have an interest in income which may be used to reduce the client's need for assistance, the client may be denied assistance when the client fails or refuses to make a reasonable effort to make the income available or receive the entitlement.

(a) A client's eligibility is not effected until the income is received as long as the client makes reasonable efforts to make potential income available; and

(b) A client may choose whether to receive TANF or Supplemental Security Income benefits.

(5) The income of a person who is not a member of a client's assistance unit may be considered available to the client under the rules of this chapter if the person is financially responsible for the client and lives in the home with the client.

(6) The income of an alien's sponsor may be considered available to the alien under the rules of this chapter when determining the alien's eligibility and benefit level.

(7) Funds deposited into a bank account which is held jointly by a client and another are considered income possessed by and available to the client unless:

(a) The client can show that all or part of the funds belong exclusively to the other account holder and are held or used solely for the benefit of that holder; or

(b) The funds have been considered by the Social Security Administration when determining the other account holder's eligibility for Supplemental Security Income benefits.

NEW SECTION

WAC 388-450-0010 Time-loss compensation—Lien. The following rules apply to TANF/SFA, RCA, GA and TANF-related medical programs.

(1) By accepting public assistance, adult and minor clients assign to the department the right to recover time-loss compensation.

(2) When an assistance unit consists of unmarried parents only, the portion of cash assistance received by the

injured parent and the injured parent's natural, adoptive or stepchildren is recoverable by the department.

(3) When a client or client's attorney claims allowable attorney fees and costs incidental to an increased award, the office of financial recovery (OFR) will:

- (a) Request an itemized billing from the attorney;
- (b) Determine what portion of the award, if any, resulted directly from the attorney's involvement;
- (c) Determine the department's proportionate share of attorney fees and costs applicable to the duplicate coverage period; and
- (d) Deduct the department's share of cost in subsection (c) of this section from the lien for duplicated assistance; or
- (e) Issue the proportionate share refund to the attorney with a copy of the account summary to the client.

NEW SECTION

WAC 388-450-0015 Excluded and disregarded income. The following rules apply to TANF/SFA, GA and RCA cash programs, TANF-related medical and food assistance programs.

(1) Excluded income means income that is not counted when determining a client's eligibility and benefit level. Excluded income types are defined by state and federal laws. Types of excluded income include but are not limited to:

- (a) Loans, except certain student loans as specified under WAC 388-450-0035.
- (b) Federal earned income tax credit payments;
- (c) Title IV-E, state and or local foster care maintenance payments;
- (d) Energy assistance payments;
- (e) Educational assistance as specified in WAC 388-450-0035;
- (f) Native American benefits and payments as specified in WAC 388-450-0040;
- (g) Income from employment and training programs as specified in WAC 388-450-0045;
- (h) Any amount withheld from a client's benefit to repay an overpayment by the source agency. For food assistance, this exclusion does not apply when the amount is withheld to recoup an intentional noncompliance overpayment from a federal, state, or local means tested program.

(2) All income that is not excluded is considered to be part of an assistance unit's gross income. Gross income is used to determine an assistance unit's eligibility as follows:

- (a) For TANF, SFA, GA-S, GA-H and RCA cash assistance, the assistance unit is ineligible if its gross income exceeds 185 percent of the need standard (see WAC 388-478-0015); and
- (b) For certain food assistance households, the assistance unit's gross income cannot exceed one hundred thirty percent of the federal poverty level for the forty-eight contiguous states (see WAC 388-478-0060).

(3) Disregarded income means income that is not excluded when determining an assistance unit's gross income but which is disregarded when determining an assistance unit's countable income. Types of disregarded income are defined by state and federal laws. Examples of disregarded income include but are not limited to:

- (a) Earned income incentives and disregards for cash assistance; and
- (b) Food assistance income deductions.

NEW SECTION

WAC 388-450-0020 Income exclusions for SSI-related medical. This section describes the types of income which are excluded or not counted when determining how much of a client's income is compared to the income standards in WAC 388-478-0065 through 388-478-0085 to determine eligibility.

(1) The first twenty dollars per month of a client's earned or unearned income, which is not otherwise excluded in this section, is not counted. This exclusion:

(a) Can only be allowed once for a husband and wife; and

(b) Does not apply to income paid on the basis of an eligible person's needs, which is funded totally or partially by the federal government or a private agency.

(2) The first sixty-five dollars per month of a client's earned income, plus one-half of the remainder is considered a work incentive and is deducted from the earned income. This deduction does not apply to income already excluded in this section.

(3) Income a client does not reasonably anticipate or which a client receives infrequently or irregularly is excluded when it is:

(a) Unearned and does not exceed twenty dollars per month; or

(b) Earned and does not exceed ten dollars per month.

(4) A client's work related expenses are excluded when they specifically enable:

(a) A blind client to work; or

(b) A permanently or totally disabled client to continue to work.

(5) Any portion of self-employment income normally allowed as an income deduction by the Internal Revenue Service (IRS) is excluded.

(6) Any payment a client receives for the foster care of a child who lives in the same household, is excluded when the child:

(a) Was placed in the client's home by a public or non-profit child placement or child care agency; and

(b) Is not SSI eligible.

(7) One-third of any payment for child support a client receives from an absent parent for a minor child, who is not institutionalized, is excluded.

(8) A portion of an SSI-related person's income to meet the needs of an ineligible minor child living in the household is excluded when:

(a) The SSI-related parent is single; or

(b) If married, the spouse does not have income; and

(c) The excluded amount is:

(i) One half of the one person federal SSI benefit rate, as described in WAC 388-478-0055; and

(ii) Minus any income of the child.

(9) Unless income is specifically contributed to the client, all earned income of an ineligible or nonapplying person,

twenty years of age and under, is excluded when this person is a student:

(a) Attending a school, college, or university; or

(b) Pursuing a vocational or technical training program designed to prepare the student for gainful employment.

(10) A client's veteran's benefits are excluded when they are designated for the veteran's:

(a) Dependent; or

(b) Aid and attendance/household allowance and unusual medical expense allowance (UME). For an institutional client see WAC 388-513-1345.

(11) Any federal SSI income or state supplement payment (SSP), which is based on financial need is excluded.

(12) COLA increases in Title II Social Security Administration benefits are excluded for a noninstitutionalized client when:

(a) Received by the client after the client's termination from SSI/SSP or;

(b) Received by the client's spouse or other financially responsible person living in the household during the time period after the SSI/SSP termination.

(13) Income which causes a client to lose SSI eligibility due solely to the reduction in the SSP is excluded.

(14) Increases in a client's burial funds, established on or after November 1, 1982, are excluded if these increases are the result of:

(a) Interest earned on excluded burial funds;

(b) Appreciation in the value of an excluded burial arrangement which is left to accumulate and become part of separately identified burial funds.

(15) An essential expense incurred by a client to receive unearned income is excluded.

(16) A client's refund by any public agency of taxes paid on real property or on food is excluded.

(17) Tax rebates or special payments excluded under other statutes are not counted.

(18) Tax exempt payments a client receives under the Alaska Native Claims Settlement Act are excluded.

(19) The amount of a client's earned income tax credit (EITC) payment is exempt.

(20) A fee a guardian or representative payee charges as reimbursement for providing services, when such services are a requirement for the client to receive payment of the income are excluded.

(21) Income a client's ineligible or nonapplying spouse receives from a governmental agency for services provided to an eligible client, such as chore services, are excluded.

(22) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services are excluded.

(23) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act are excluded. Any interest earned on this income is considered as unearned income, under WAC 388-450-0025.

(24) Payments to a client under section 500 through 506 of the Austrian General Social Insurance Act are excluded. Any interest earned on this income is considered unearned income under WAC 388-450-0025.

(25) Payments to a client from the Dutch government, under the Netherlands' Act on Benefits for Victims of Persecution (WUV) are excluded. Any interest earned on this income is considered unearned income under WAC 388-450-0025.

NEW SECTION

WAC 388-450-0025 Unearned income. The following rules apply to TANF/SFA, GA and RCA cash programs, TANF-related medical and food assistance programs.

(1) Unearned income is income a person receives from a source other than employment or self-employment. Examples of unearned income include but are not limited to:

(a) Railroad retirement;

(b) Unemployment compensation; or

(c) Veteran administration benefits.

(2) Unearned income is budgeted in its entirety.

NEW SECTION

WAC 388-450-0025 Earned income definition. Unless specifically stated, the following rules apply to TANF/SFA, GA and RCA cash programs, TANF-related medical and food assistance programs.

(1) Earned income means:

(a) Income a person receives in the form of cash or in-kind, which is a gain or benefit to the person, when earned as a wage, salary, tips, gratuities, commissions, or profit from self-employment activities.

(b) Income over a period of time for which settlement is made at one time, such as sale of farm crops, livestock, or poultry.

(2) For cash assistance, earned income includes time-loss compensation as specified in WAC 388-450-0075.

(3) For food assistance programs only, income in-kind is excluded.

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 388-450-0025 is probably intended to be WAC 388-450-0030.

NEW SECTION

WAC 388-450-0035 Educational benefits. The following rules apply to TANF/SFA, general assistance and RCA cash programs, TANF-related medical and food assistance programs.

(1) A student can exclude educational assistance in the form of grants, loans or work study, issued from Title IV of the Higher Education Amendments (Title IV - HEA) and Bureau of Indian Affairs (BIA) education assistance programs. Examples of Title IV - HEA and BIA educational assistance include but are not limited to:

(a) College work study (federal and state);

(b) Pell grant; and

(c) BIA higher education grants.

(2) The following types of educational assistance, in the form of grants, loans, or work study, are not counted when determining a student's need:

(a) Attendance costs, identified by the institution, under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-391; and

(b) Educational assistance made available under any program administered by the Department of Education (DOE) to an undergraduate student. Examples of programs administered by DOE include but are not limited to:

- (i) Christa McAuliffe Fellowship Program;
- (ii) Jacob K. Javits Fellowship Program; and
- (iii) Library Career Training Program.

(3) Educational assistance made available to a student for the following attendance costs are not counted when a student is attending school either full or half-time:

- (a) Tuition;
- (b) Fees; and

(c) Costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.

(4) In addition, for a student attending school at least half-time, educational assistance made available to the student for the following attendance costs are not counted:

- (a) Books;
- (b) Supplies;
- (c) Transportation;
- (d) Dependent care; and
- (e) Miscellaneous personal expenses.

(5) For cash assistance, the amount of a student's remaining educational assistance equal to the difference between the student's appropriate need standard and payment standard is excluded.

(6) Any remaining income is unearned income and budgeted using the appropriate budgeting method for the assistance unit.

(7) When a student participates in a work study program that is not excluded by subsections (1) and (2) of this section, the income received is treated as earned income:

- (a) Applying the applicable earned income disregards;
- (b) For cash assistance, excluding the difference between the student's appropriate need standard and payment standard; and

(c) Budgeting remaining income using the appropriate budgeting method for the assistance unit.

(8) When a student receives Veteran's Administration Educational Assistance:

- (a) All applicable attendance costs are subtracted; and
- (b) The remaining unearned income is budgeted using the appropriate budgeting method for the assistance unit.

(9) When a student participates in graduate school studies, educational assistance made available to the student is treated as unearned income.

NEW SECTION

WAC 388-450-0040 Native American benefits and payments. The following rules apply to all cash, TANF-related medical and food assistance programs.

(1) The following types of income are not counted when a client's benefits are computed:

(a) Up to two thousand dollars per individual per calendar year received under the Alaska Native Claims Settlement Act, P.L. 92-203 and 100-241;

(b) Income received from Indian trust funds or lands held in trust by the Secretary of the Interior for an Indian tribe or individual tribal member. Income includes:

(i) Interest; and

(ii) Investment income accrued while such funds are held in trust.

(c) Income received from Indian judgement funds or funds held in trust by the Secretary of the Interior distributed per capita under P.L. 93-134 as amended by P.L. 97-458 and 98-64. Income includes:

(i) Interest; and

(ii) Investment income accrued while such funds are held in trust.

(d) Up to two thousand dollars per individual per calendar year received from leases or other uses of individually owned trust or restricted lands, P.L. 103-66;

(e) Payments from an annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, made to a Puyallup Tribe member upon reaching twenty-one years of age; and

(f) Payments from the trust fund established by the P.L. 101-41 made to a Puyallup Tribe member.

(2) Other Native American payments and benefits that are excluded by federal law are not counted when determining a client's benefits. Examples include but are not limited to:

(a) White Earth Reservation Land Settlement Act of 1985, P.L. 99-264, Section 16;

(b) Payments made from submarginal land held in trust for certain Indian tribes as designated by P.L. 94-114 and P.L. 94-540; and

(c) Payments under the Seneca Nation Settlement Act, P.L. 101-503.

NEW SECTION

WAC 388-450-0045 Income from employment or training programs. (1) Payments issued under the Job Training Partnership Act (JTPA) are treated as follows:

(a) Wages paid under JTPA are considered earned income.

(b) For cash assistance, needs based payments issued under JTPA are considered as follows:

(i) Payments which cover special needs not covered in the need standard are excluded.

(ii) Payments which duplicate items contained in the need standard are excluded up to the difference between the student's appropriate need standard and payment standard.

(c) For food assistance - living allowances under JTPA are not counted as income.

(2) Payments issued under the National and Community Service Trust Act of 1993 (Americorps) are treated as follows:

(a) Living allowances or stipends paid under Americorps are considered earned income.

(b) Americorps/VISTA stipends and living allowances paid to VISTA volunteers under the Domestic Volunteer Act of 1973:

- (i) For cash assistance, are not counted as income; and
- (ii) For food assistance, are counted as earned income.

(3) For cash assistance, needs based payments issued under Americorps are treated like JTPA payments as provided in subsection (1)(b) of this section.

(4) For food assistance, training allowances from vocational and rehabilitative programs are earned income when:

- (a) Recognized by federal, state, or local governments; and
- (b) Not a reimbursement.

(5) Clients receiving maintenance payments from a vocational rehabilitation program through the division of vocational rehabilitation are not eligible for general assistance-unemployable (GA-U).

(6) Support service payments received by or made on behalf of WorkFirst participants are not considered income.

NEW SECTION

WAC 388-450-0050 Income from the community jobs program. (1) The monthly wage received by a TANF or SFA client who participates in the community jobs (CJ) wage subsidy program is:

(a) Not counted as income for the first month of CJ participation; and

(b) Budgeted prospectively as defined in WAC 388-450-0215 beginning with the second month of CJ participation

(2) The CJ participant's grant amount is computed by disregarding twenty percent of the expected income and treating the remainder as countable income.

(3) CJ participants are not subject to monthly reporting or income reporting requirements.

(4) When a change in income or resources causes the assistance unit's grant amount to be less than ten dollars or results in ineligibility, a CJ participant's cash grant:

(a) Will be suspended following rules in WAC-388-450-0245;

(b) Will continue to be suspended until participation is redetermined according to WAC 388-310-1300(8); and

(c) Can be in suspense for no more than nine months.

(5) Each month a CJ participant's cash grant is suspended will count toward the assistance unit's sixty month lifetime time limit for receipt of TANF/SFA benefits.

NEW SECTION

WAC 388-450-0055 Assistance from other agencies and organizations. Unless specifically stated, the following rules apply to all cash, medical and food assistance programs.

(1) Funds received from other agencies and organizations is excluded when determining the amount of assistance to be paid as long as no duplication exists between the assistance provided by the other agency and that provided by the department.

(2) To assure nonduplication, aid from other agencies will be considered in relation to:

- (a) The different purposes for which such aid is granted;

(b) The provision of goods and services not included in the department's standards; and

(c) Conditions that preclude its use for current living costs.

(3) If the assistance from another agency is available to meet need, the assistance shall be disregarded up to the difference between the need standard and the payment standard.

NEW SECTION

WAC 388-450-0060 Lump sum payments. Unless otherwise specified, this rule applies to TANF/SFA, RCA, general assistance and ADATSA cash assistance programs and the ADATSA medical program. For cash assistance, a one-time lump sum payment is treated as follows:

(1) Compensatory awards or related settlements are considered countable resources as provided in chapter 388-470 WAC.

(2) For all other one-time lump sum payments, the amount equal to the difference between the client's countable resources and the resource limit is disregarded as income. The remaining amount is called the net lump sum payment and affects the client's eligibility and benefit amount as provided in WAC 388-450-0240.

NEW SECTION

WAC 388-450-0065 Gifts—Cash and noncash. A gift is an item furnished to a client without work or cost on his or her part.

(1) A cash gift is a gift that is furnished as money, cash, checks or any other readily negotiable form.

(a) For TANF/SFA, GA-S, GA-H, RCA and TANF-related medical programs, cash gifts of up to thirty cumulative dollars per calendar quarter for each assistance unit member are disregarded as income.

(b) For GA-U and food assistance programs, cash gifts are treated as unearned income.

(2) For TANF/SFA, GA-S, GA-H, RCA, GA-U and TANF-related medical programs, a noncash gift is treated as a resource.

(a) If the gift is a countable resource, its value is added to the value of the client's existing countable resources and the client's eligibility is redetermined as specified in chapter 388-470 WAC.

(b) If the gift is an excluded or noncountable resource, it does not affect the client's eligibility or benefit level.

NEW SECTION

WAC 388-450-0070 A child's earned income. Unless otherwise specified, this rule applies to TANF/SFA, GA-H and TANF-related medical programs. The earned income of a dependent child is:

(1) Excluded when determining if the total income of the assistance unit is more than one hundred eighty-five percent of the need standard in WAC 388-478-0015. This exclusion is limited to:

- (a) Children who are full-time students; and

- (b) No more than six month's in any calendar year.

(2) Not counted when determining the assistance unit's need and benefit level when the child is a:

- (a) Full-time student; or
- (b) Part-time student who is employed less than full-time.

(3) For food assistance programs, all earned income of a child is not counted when a child is:

- (a) Seventeen years of age or younger; and
- (b) Attending elementary or secondary school at least half time.

NEW SECTION

WAC 388-450-0075 Time-loss compensation. (1) Temporary disability insurance payments and temporary worker's compensation payments are treated as earned income when such payments are:

- (a) Employer funded and are analogous to sick pay; and
- (b) Made to an individual who remains employed during recuperation from a temporary illness or injury pending return to the job.

(2) Recurrent time loss benefits from the department of labor and industries are examples of benefits meeting this criteria.

NEW SECTION

WAC 388-450-0080 Self-employment income—General rules. The following rules apply to all cash, TANF-related medical and food assistance programs.

(1) Self-employment earned income is used to reduce a client's need for assistance. The income is treated as earned income as provided in WAC 388-450-0030.

(2) Self-employment earned income is defined as gross business income minus total allowable business expenses as defined in WAC 388-450-0085.

(3) In order to establish eligibility for assistance, a self-employed client must maintain and make available to the department a record clearly documenting all business expenses and income.

(4) Income from the following is treated as self-employment income:

- (a) Adult family home;
- (b) Farming;
- (c) Roomers and boarders;
- (d) Rental and lease;
- (e) Self-produced or supplied items.

NEW SECTION

WAC 388-450-0085 Self-employment income—Allowable expenses. The following self-employment expenses are allowed for all programs as a deduction from gross self-employment income:

- (1) Rent or lease of business equipment or property;
- (2) Utilities;
- (3) Postage;
- (4) Telephone;
- (5) Office supplies;
- (6) Advertising;

(7) Business related insurance, taxes, licenses and permits;

(8) Legal, accounting, and other professional fees;

(9) For cash assistance programs, the cost of goods sold, including wages paid to employees producing salable goods, raw materials, stock, and replacement or reasonable accumulation of inventory, provided inventory has been declared exempt on the basis of an agreed plan pursuant to chapter 388-470 WAC;

(10) Repairs to business equipment and property, excluding vehicles;

(11) Interest on business loans used to purchase income-producing property or equipment;

(12) Wages and salaries paid to employees not producing salable goods;

(13) Commissions paid to agents and independent contractors;

(14) Seed, fertilizer, and feed grain for a self-employed farmer;

(15) Other reasonable and necessary costs of doing business;

(16) The cost of the place of business. If any portion of the client's home is used as the place of business, it must be used exclusively for business to be an allowable business expense. The percentage of the home used for business can be an allowable business expense;

(17) The following transportation expenses are allowed as a deduction from gross self-employment income:

(a) Actual, documented costs for:

- (i) Gas, oil, and fluids;
 - (ii) Replacing worn items such as tires;
 - (iii) Registration and licensing fees;
 - (iv) Auto loan interest; and
 - (v) Business related parking and tolls; or
- (b) A cost per mile established by the department.

NEW SECTION

WAC 388-450-0090 Self-employment expenses that are not allowed as income deductions. (1) The following expenses cannot be deducted from self-employment income for cash or food assistance programs.

(a) Capital expenditures;

(b) Payments on the principal of loans to the business;

(c) Amounts claimed as depreciation;

(d) Any amount claimed as a net loss sustained in any prior period;

(e) Entertainment expenses.

(2) The following expenses cannot be deducted from self-employment income for food assistance programs only:

(a) Payments on the principle of the purchase price of income-producing:

(i) Real estate and capital assets;

(ii) Equipment;

(iii) Machinery;

(iv) Other durable goods.

(b) Net losses from a previous period;

(c) Federal, state, and local income taxes;

(d) Retirement funds;

(e) Personal work-related expenses; or

(f) Depreciation.

NEW SECTION

WAC 388-450-0095 Allocating income—General.

The following rules apply to cash and TANF-related medical programs.

(1) Allocation is the process of determining how much of a financially responsible person's income is considered available to meet the needs of legal dependents within or outside of an assistance unit.

(2) In-bound allocation means income possessed by a financially responsible person outside the assistance unit which is considered available to meet the needs of legal dependents in the assistance unit.

(3) Out-bound allocation means income possessed by a financially responsible assistance unit member which is set aside to meet the needs of a legal dependent outside the assistance unit.

NEW SECTION

WAC 388-450-0100 Allocating income—Definitions.

The following definitions apply to the allocation rules for cash and TANF-related medical programs.

(1) **Dependent** means a person who:

(a) Is or could be claimed for federal income tax purposes by the financially responsible person; or

(b) The financially responsible person is legally obligated to support.

(2) A **disqualified assistance unit member** means:

(a) An unmarried pregnant or parenting minor under age eighteen who has not completed a high school education or general equivalency diploma (GED) and is not participating in those educational activities which would lead to the attainment of a high school diploma or GED;

(b) An unmarried pregnant or parenting minor under age eighteen who is not living in a department-approved living situation; and

(c) The financially responsible person who does not report to the department within five days of the date it becomes reasonably clear that the absence of a child will exceed ninety days.

(3) **Financially responsible person** means a parent, stepparent, adoptive parent, spouse or caretaker relative.

(4) **Ineligible assistance unit member** means an individual who:

(a) Is an alien not lawfully admitted for permanent residence in the United States;

(b) Has been convicted in federal or state court of having made a fraudulent statement or representation with respect to their place of residence in order to receive assistance from two or more states at the same time;

(c) Has been convicted of unlawfully receiving public assistance;

(d) Has been convicted after August 21, 1996, under federal or state law, of possession, use or distribution of a controlled substance;

(e) Is fleeing to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime;

(f) Violates a condition of probation or parole which was imposed under a federal or state law as determined by an administrative body or court of competent jurisdiction;

(g) Is the spouse of a woman who receives cash benefits from the GA-S program; and

(h) Is the adult parent of a minor parent's child.

NEW SECTION

WAC 388-450-0105 Allocating the income of a financially responsible person included in the assistance unit.

The following rules apply to TANF/SFA, GA-S and TANF-related medical programs. The income of a financially responsible person included in the assistance unit is countable to meet the needs of the assistance unit after the income is reduced by the following:

(1) One-half of the gross earned income for any financially responsible person in the assistance unit who is employed;

(2) The payment standard amount for the ineligible assistance unit members living in the home; and

(3) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.

NEW SECTION

WAC 388-450-0110 Allocating the income of a GA-U client to legal dependents. The following rule applies to the GA-U assistance program.

(1) The income of a GA-U client is reduced by the following:

(a) The GA-U earned income disregard and work expense disregard, as specified in WAC 388-450-0175; and

(b) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.

(2) When a GA-U client in a medical institution, alcohol or drug treatment center, congregate care facility or adult family home has income, the income is countable to meet the client's needs after the income is reduced by the following:

(a) The payment standard amount for the nonapplying spouse and legal dependents living in the home; and

(b) The standard of assistance the client is eligible for while in an alternative care facility.

NEW SECTION

WAC 388-450-0115 Allocating the income of a financially responsible person excluded from the assistance unit. The following rules apply to TANF/SFA, GA-S and TANF-related medical programs.

The income of a financially responsible person excluded from the assistance unit is available to meet the needs of the assistance unit after the income is reduced by the following:

(1) A ninety dollar work expense deduction from the financially responsible person(s) excluded from the assistance unit who is employed;

(2) The payment standard amount for the ineligible assistance unit members living in the home; and

(3) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.

NEW SECTION

WAC 388-450-0120 Allocating the income of financially responsible parents to an pregnant or parenting minor. The following rules apply to TANF/SFA, GA-S and TANF-related medical programs.

The income of nonapplying financially responsible parent(s) of a pregnant or parenting minor is countable to meet the needs of the minor and the child(ren) after the income is reduced by the following:

(1) A ninety dollar work expense from the financially responsible parent's gross income from employment;

(2) An amount not to exceed the department's standard of need for:

(a) The financially responsible parent and dependent living in the home who are not applying for or receiving cash benefits and not a disqualified individual; and

(b) Court or administratively ordered current or back support for legal dependents.

(3) Spousal maintenance payments made to meet the needs of individuals not living in the home.

NEW SECTION

WAC 388-450-0125 Allocating the income of the father of the unborn child to a pregnant woman. The following rules apply to TANF/SFA, GA-S and TANF-related medical programs.

(1) Income of the father of the unborn child is allocated to a pregnant woman under the following department rules:

(a) The need standard, as provided in WAC 388-478-0015 that reflects the number of people in the assistance unit as though the child were born when applying the one hundred eighty-five percent of need test as specified in WAC 388-450-0015. The father is included when he is residing in the client's home.

(b) The payment standard, as provided in WAC 388-478-0025 that reflects the number of people in the assistance unit as though the child were born. The father is included when he is residing in the client's home.

(2) When the parents are married and the father resides in the client's home, his income is allocated according to rules in WAC 388-450-0125, Allocation of nonassistance unit income for the support of legal dependents.

NEW SECTION

WAC 388-450-0130 Allocating the income of a non-applying spouse to a caretaker relative. The following rules apply to TANF/SFA and TANF-related medical programs.

(1) The community income of the nonapplying spouse and applying spouse is combined. See WAC 388-450-0005 to determine what income is available as community income.

(2) Subtract a one person payment standard as specified in WAC 388-478-0030.

(3) The remainder is allocated to the caretaker relative.

NEW SECTION

WAC 388-450-0135 Allocating income of an ineligible spouse to a GA-U client. (1) The following rules apply to the GA-U cash assistance program.

(2) When a GA-U client is married and lives with the nonapplying spouse, the following income is available to the client:

(a) The remainder of the client's wages, retirement benefits or separate property after reducing the income by:

(i) The GA-U work incentive and work expense deduction, as specified in WAC 388-450-0175; and

(ii) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.

(b) The remainder of the nonapplying spouse's wages, retirement benefits and separate property after reducing the income by:

(i) The GA-U work expense deduction;

(ii) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents; and

(iii) The payment standard amount which includes ineligible assistance unit members.

(c) One-half of all other community income, as provided in WAC 388-450-0005.

NEW SECTION

WAC 388-450-0140 Income of ineligible assistance unit members—Food assistance. (1) When a food assistance unit contains a person who is disqualified for intentional program violation or failure to meet work requirements as provided in chapter 388-444 WAC, all income of the disqualified person is included as part of the entire assistance unit's income:

(a) The standard deduction and allowable deductions for earned income, medical costs, dependent care, and excess shelter costs are applied; and

(b) The assistance unit's coupon allotment is not increased as a result of the exclusion of the disqualified person.

(2) When an assistance unit contains a person who is ineligible due to alien status or failure to sign the application attesting to citizenship or alien status or who has been disqualified for refusal to obtain or provide a Social Security number:

(a) An equal share of the income of the ineligible person is counted as income to the eligible assistance unit members;

(b) The twenty percent earned income deduction is applied to the ineligible person's earned income attributed to the assistance unit; and

(c) The portion of the assistance unit's allowable shelter and dependent care expense which is paid by or billed to the ineligible person is divided evenly among all members of the assistance unit, provided the ineligible members have income.

(3) The ineligible or disqualified assistance unit member is not counted when determining the assistance unit's size for purposes of:

- (a) Comparing the assistance unit's total monthly income to the income eligibility standards; and
- (b) Computing benefits.

NEW SECTION

WAC 388-450-0145 Income of a person who is not a member of a food assistance unit. (1) A cash payment made to an food assistance unit from a person who is not a member of the assistance unit is counted as unearned income.

(2) The following types of income are not available to the assistance unit:

- (a) The nonmember's income; and
 - (b) Payments made by a nonmember to a third party for the benefit of the assistance unit.
- (3) When the nonmember's earnings are not clearly separate from the earnings of food assistance unit members, the earnings are:

- (a) Divided equally among the working persons, including the nonmember; and
- (b) The portion of the nonmember is not counted.

NEW SECTION

WAC 388-450-0150 SSI-related medical income allocation.

(1) When a client is applying for SSI-related categorically needy (CN) or medically needy (MN) medical assistance, a portion of the income of a nonapplying spouse or parent is allocated to the needs of the applicant. This occurs when the nonapplying spouse or parent is:

- (a) Financially responsible for the SSI-related person as described in chapter 388-408 WAC; and
- (b) Lives in the same household; and
- (c) Is not SSI-related in their own right.

(2) If the conditions in subsection (1) of this section are met, the income exclusions listed below are applied and the remainder of the parent's income is allocated to their SSI-related minor child applying for either (CN) or (MN) medical assistance:

- (a) Income exclusions as described in WAC 388-450-0020; and
- (b) One-half of the federal benefit rate (FBR), as described in WAC 388-478-0055, for each SSI ineligible child in the household, minus any income of that child; and
- (c) A one person FBR for a single parent, or two person FBR for two parents.

(3) The income of the financially responsible spouse of an SSI-related client applying for CN or MN medical assistance is allocated to the applicant's needs.

(a) The income exclusions in WAC 388-450-0020 (3) through (25) are allowed to reduce the nonapplying spouse's income; and

(b) One-half of the FBR for any non-SSI eligible child in the household, minus any income of that child, is allowed as a deduction; and

(c) Any remaining income which is greater than one-half of the FBR is allocated to the SSI-related spouse who is applying for CN; or

(d) All of the nonapplying spouse's income which is above the one person medically needy income level (MNIL), as described in WAC 388-478-0070, is allocated to the SSI-related spouse who is applying for MN.

(4) If the income of the financially responsible spouse described in subsection (3) is less than the MNIL, a portion of the SSI-related applicant's income is added to the financially responsible spouse's income to raise it to the MNIL.

(5) If an alien client is ineligible for SSI cash assistance because of income or resources of a sponsor allocated or deemed available to the client, the SSI-related client is still considered eligible for CN or MN medical assistance. Only the income or resources actually contributed to the alien client are considered available to that client.

NEW SECTION

WAC 388-450-0155 Deeming income—Alien sponsorship. The following rules apply to TANF/SFA, GA and TANF-related medical programs:

(1) Deeming is the process of determining the amount of an alien's sponsor's income available to the alien.

(2) Any alien whose sponsor is a public or private organization is ineligible for assistance for three years from the date of entry for permanent residence into the United States, unless the agency or organization is:

- (a) No longer in existence; or
- (b) Has become unable to meet the alien's needs.

(3) A sponsor is any individual or public or private organization who executes an affidavit or similar agreement on behalf of an alien (who is not the dependent child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States.

(a) The affidavit or agreement is irrevocable, and

(b) Extends for a minimum of three years after the alien's entry for permanent residence into the United States.

(4) For a period of three years following entry for permanent residence into the United States, an individually sponsored alien is responsible for:

- (a) Providing the department with any information and documentation necessary to determine the income of the sponsor that can be deemed available to the alien; and
- (b) Obtaining any cooperation necessary from the sponsor.

(5) For all subsections in this section, the income of an individual sponsor (and the sponsor's spouse if living with the sponsor) is deemed to be the unearned income of an alien for three years following the alien's entry for permanent residence into the United States.

(6) Monthly income deemed available to the alien from the individual sponsor or the sponsor's spouse not receiving TANF or SSI is:

(a) The sponsor's total monthly unearned income, added to the sponsor's total monthly earned income reduced by twenty percent (not to exceed one hundred seventy-five dollars) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred in producing self-employment income in the month.

(b) The amount described in subsection (a) of this section reduced by:

(i) The basic requirements standard for a family of the same size and composition as the sponsor and those other persons living in the same household as the sponsor claimed by the sponsor as dependents to determine the sponsor's federal personal income tax liability but who are not TANF recipients;

(ii) Any amounts actually paid by the sponsor to persons not living in the household claimed by the sponsor as dependents to determine the sponsor's federal personal income tax liability; and

(iii) Actual payments of spousal maintenance or child support with respect to persons not living in the sponsor's household.

(7) In any case where a person is the sponsor of two or more aliens, the sponsor's income is divided equally among the aliens to the extent that the income would be deemed the income of any one of the aliens under provisions of this section.

(8) The income deemed to a sponsored alien in determining the need of other unsponsored members of the alien's family is not considered except to the extent that the income is actually available.

(9) For the GA-U program, the alien's sponsor's income is deemed as available to the alien as provided for the TANF program:

(a) At application, for applications filed on or after July 8, 1994. For the purposes of this rule, re-application filed following a break in assistance of thirty days or more shall be considered an application; or

(b) For all other general assistance-unemployable clients, the income of an alien's sponsor is not deemed as available to the client.

NEW SECTION

WAC 388-450-0160 Sponsored alien—Food assistance. For food assistance, the following rules apply to aliens for whom a sponsor has signed an affidavit of support or similar statement on or after February 1, 1983:

(1) Portions of the income of a sponsor and sponsor's spouse are counted as unearned income and applied to the food assistance benefits of a sponsored alien if living with the sponsor. The income of an alien's sponsor is available for three years following the alien's admission for permanent residence to the U.S.

(2) The income of the alien's sponsor and sponsor's spouse must be verified by the client if the client is living

with the sponsor at application or recertification for food assistance.

(3) The available income is computed as follows:

(a) Total monthly earned and unearned income of the sponsor and sponsor's spouse:

(i) Minus twenty percent of the gross earned income; and

(ii) Minus the amount of the gross income eligibility standard for a household size equal to the sponsor, the sponsor's spouse, and all dependents.

(b) Plus any actual money paid to the alien by the sponsor or sponsor's spouse in excess of the amount computed in subsection (3)(a) of this section is treated as unearned income.

(4) The net income in subsection (3) of this section is available to a sponsored alien who:

(a) Applies for and receives food assistance; or

(b) Is recertified for food assistance.

(5) If the sponsored alien can show the sponsor is also sponsoring other aliens, the available income is divided by the number of sponsored aliens applying for, or receiving food assistance.

(6) If an alien changes sponsors during the certification period, available income is reviewed based on the required information about the new sponsor as soon as possible after the information is supplied and verified by the client.

NEW SECTION

WAC 388-450-0165 Gross earned income limit for TANF and SFA. The following test only applies to TANF/SFA assistance units with earned income.

(1) Combine the earned income of the following household members with the earned income of the TANF/SFA assistance unit members:

(a) Adults or children who would otherwise be included in the assistance unit under WAC 388-408-0015, but who do not meet TANF/SFA eligibility requirements;

(b) The unborn child of a woman in her third trimester of pregnancy; and

(c) The husband of a woman in her third trimester of pregnancy, when residing together.

(2) Do not include the following income types of the persons identified in subsection (1)(a) of this section:

(a) Excluded income, as provided in WAC 388-450-0015;

(b) Court or administratively ordered current or back support paid to meet the needs of legal dependents, up to:

(i) The amount actually paid; or

(ii) A one-person need standard for each legal dependent.

(c) Authorized ongoing additional requirement payment as defined in WAC 388-255-1050 through 388-255-1250.

(3) The assistance unit's countable gross earned income, as determined by subsections (1) and (2) of this section, is compared to the department's established maximum earned income levels, as provided in WAC 388-478-0035. If the countable gross earned income is more than the standard, the assistance unit is not eligible for benefits.

NEW SECTION

WAC 388-450-0170 TANF/SFA earned income incentive and deduction. The following rule applies to TANF/SFA, GA-S, GA-H and TANF-related medical programs.

(1) When determining countable income, fifty percent of a client's monthly gross earned income is disregarded as an incentive to employment. A client who is self-employed is allowed the fifty percent incentive after allowable business expenses, as provided in WAC 388-450-0085, are deducted.

(2) When a client meets the requirements under WAC 388-290-110(1)(c), the actual cost of care of each dependent child or incapacitated adult living in the same home and receiving TANF is deducted.

No disregard will be allowed for care provided by a parent or stepparent.

(3) The provider verifies the cost incurred;

(4) The cost is incurred for the month of employment being reported; and

(5) The cost for each dependent child or incapacitated adult, depending on the number of hours worked per month does not exceed the following:

Hours Worked Per Month	Dependent Care Maximum Deductions	Dependent Care Maximum Deductions
	Dependent Two Years of Age or Older	Dependent Under Two Years of Age
0 - 40	\$ 43.75	\$ 50.00
41 - 80	\$ 87.50	\$100.00
81 - 120	\$131.25	\$150.00
121 or More	\$175.00	\$200.00

NEW SECTION

WAC 388-450-0175 GA-U earned income incentive and deduction. The following rule applies to the GA-U cash assistance program.

(1) When determining countable income, eighty-five percent plus one half of the remainder of a client's monthly gross earned income is disregarded as an incentive to employment. A client who is self-employed is allowed the fifty percent incentive after allowable business expenses, as provided in WAC 388-450-0085, are deducted.

(2) In addition to the work incentive provided in subsection (1) of this section, work expenses are disregarded in an amount equal to twenty percent of the gross earned income; or

(3) At the option of the client, actual verified work expenses, including:

(a) Mandatory deductions required by law or as a condition of employment, such as FICA, income tax, and mandatory retirement contributions;

(b) Union dues when union membership is required for employment;

(c) Clothing costs when the clothing is necessary for employment;

(d) Tools necessary for employment;

(e) Other expenses reasonably associated with employment, such as legally binding contracts with employment agencies; and

(f) Transportation expenses as follows:

(i) If public transportation (other than for-hire vehicles such as taxis) is available and practical, the actual monthly cost, based on a commuter's pass, ticket book, or tokens at reduced quantity rates, even if the client does not use public transportation; or

(ii) If public transportation is not available or practical, the actual amount if the client pays another person to drive; or

(iii) If public transportation is not available or practical and the client uses his or her own vehicle, the costs, based on the percentage of work-related miles driven, for service and repairs, replacement of worn parts, registration and license fees, the interest on car payments, and either eight cents per mile or the actual cost for gas, oil, fluids, and depreciation.

NEW SECTION

WAC 388-450-0180 Effect of countable income on eligibility and benefit level for cash assistance. (1) For cash assistance, countable income is income which:

(a) Cannot be excluded under the rules of this chapter;

(b) Cannot be allowed as a deduction, earned income incentive, out-bound allocation, or otherwise disregarded under the rules of this chapter; and

(c) Includes all in-bound income allocated or deemed from financially responsible persons who are not members of the assistance unit.

(2) A client's recurring monthly countable income is used to determine the client's eligibility and benefit amount following budgeting methods described in WAC 388-450-0215 or 388-450-0220.

(3) When an assistance unit's countable income is equal to or exceeds the appropriate payment standard plus authorized additional requirements, the client is not eligible for benefits.

(4) When an assistance unit's countable income is less than the appropriate payment standard plus authorized additional requirements, the client's benefit level is equal to the difference.

(5) Nonrecurring lump sums affect eligibility and benefit level as specified in WAC 388-450-0060 and 388-450-0245.

(6) When a change in income causes ineligibility for more than one month, the effective date of ineligibility is determined as follows:

(a) When recurrent income received in the budget month causes ineligibility, the assistance unit is ineligible on the first day of the payment month if the following circumstances are met:

(i) The assistance unit is subject to retrospective income budgeting as specified in WAC 388-450-0220; and

(ii) The income is reported timely as required under chapters 388-418 and 388-456 WAC.

PROPOSED

(b) For all other changes in recurring income which cause ineligibility, the assistance unit is ineligible on the first day of the month the income is received.

NEW SECTION

WAC 388-450-0185 General information regarding income deductions for food assistance programs. The following income deductions are used to compute food assistance program benefits:

(1) A standard deduction of one hundred thirty-four dollars per household per month;

(2) An earned income deduction of twenty percent gross earned income;

(3) A portion of the actual monthly amount of dependent care deduction:

(a) Needed for an assistance unit member to seek, accept or continue employment; or

(b) Needed for an assistance unit member to attend training or education preparatory to employment; and

(c) Not to exceed two hundred dollars for each dependent one year of age or younger; or

(d) Not to exceed one hundred seventy-five dollars for each other dependent.

(4) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars incurred or anticipated to be incurred by an elderly or disabled household member as specified under WAC 388-450-0200.

(5) A deduction for legally obligated child support paid for a person who is not a member of the household.

(6) Shelter costs as provided in WAC 388-450-0190.

NEW SECTION

WAC 388-450-0190 Shelter cost income deductions for food assistance.

(1) Shelter costs include:

(a) Rent, lease payments and mortgage payments; and

(b) Utility costs.

(2) Shelter costs are deducted from gross income if the costs are in excess of fifty percent of the assistance unit's income after deducting the standard, earned income, medical, child support, and dependent care deductions:

(a) For an assistance unit containing an elderly or disabled member the entire amount of excess shelter costs is deducted;

(b) For all other assistance units the excess shelter cost deduction cannot exceed two hundred and fifty dollars.

(3) Shelter costs may include:

(a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster if the:

(i) Assistance unit intends to return to the home;

(ii) Current occupants, if any, are not claiming shelter costs for food assistance purposes; and

(iii) The home is not being leased or rented during the assistance unit's absence.

(b) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster.

(c) The standard utility allowance or actual utility costs as provided in WAC 388-450-0195.

NEW SECTION

WAC 388-450-0195 Utility allowances for food assistance programs. (1) The following utility allowances are used in calculating shelter costs:

(a) A standard utility allowance (SUA) for assistance units that incur any separate utility charges for heating or cooling costs;

(b) A limited utility allowance (LUA) for assistance units without heating or cooling costs, that incur utility charges other than telephone costs;

(c) A telephone allowance (TUA) for assistance units that incur any separate charges for phone service and not claiming the SUA or LUA.

(d) Actual utility costs if:

(i) Greater than the SUA or LUA; or

(ii) The assistance unit is not entitled to the SUA or LUA.

(2) As provided in federal law:

(a) The SUA up to two hundred twenty-three dollars;

(b) The LUA up to one hundred sixty-four dollars;

(c) The TUA up to twenty-nine dollars.

NEW SECTION

WAC 388-450-0200 Medical cost income deductions for food assistance.

(1) Excess medical and/or shelter deductions paid by the client are allowed when a client:

(a) Is elderly or disabled;

(b) Received food assistance as a noncash assistance unit until becoming categorically eligible due to the receipt of SSI; or

(c) Became categorically eligible due to the receipt of SSI after noncash assistance food stamps were denied as provided under chapter 388-414 WAC.

(2) One-time medical expenses are averaged over the certification period, at the client's option.

(3) A medical expense deduction is not allowed when the expense is:

(a) A reimbursement;

(b) A vendor payment, except for Low Income Home Energy Assistance Act (LIHEAA) payments;

(c) Claimed after the initial billing, even though:

(i) Not reported when first due;

(ii) Included in the most recent billing; and

(iii) Actually paid.

(d) Allowed as a deduction once but not paid, and subsequently included in a repayment agreement;

(e) Included in a timely but defaulted repayment agreement and then included in a subsequent repayment agreement;

(f) Claimed by a client after presumptive SSI is denied;

(g) Considered overdue to the provider; or

(h) Already paid by a prospectively budgeted assistance unit.

NEW SECTION

WAC 388-450-0205 Budgeting income deductions for food assistance. (1) Allowable medical expenses are budgeted prospectively for the entire certification period.

(2) Income exclusions and deductions other than allowable medical expenses are budgeted:

(a) Prospectively when all assistance unit income is budgeted prospectively;

(b) Retrospectively when all assistance unit income is budgeted retrospectively; or

(c) Retrospectively when part of the assistance unit's income is budgeted prospectively and part budgeted retrospectively.

(3) Additional public assistance payments are budgeted either prospectively or retrospectively, using only the amount authorized for the month the income is received.

(4) Expenses are averaged either prospectively or retrospectively over the period the expense is intended to cover if the assistance unit:

(a) Has expenses that fluctuate or are billed less often than monthly; and

(b) Chooses to have the expense averaged.

(5) For food assistance, countable income is income which:

(a) Cannot be excluded under the rules of this chapter;

(b) Cannot be allowed as a deduction, earned income incentive, out-bound allocation, or otherwise disregarded under the rules of this chapter; and

(c) Includes all in-bound income allocated or deemed from financially responsible persons who are not members of the assistance unit.

(6) An assistance unit's monthly countable income is used to:

(a) Determine eligibility, if required, based on the monthly net earned income standard specified in WAC 388-478-0060; and

(b) Calculate the assistance unit's monthly benefit level.

NEW SECTION

WAC 388-450-0210 Countable income for medical programs. (1) For purposes of medical program eligibility, a client's countable income is income which remains when:

(a) The income cannot be specifically excluded; and

(b) All appropriate deductions and disregards allowed by a specific program, have been applied.

(2) A client's countable income cannot exceed the income standard for the specific medical programs described in WAC 388-478-0065 through 388-478-0085 unless:

(a) The program allows the spenddown of excess income; or

(b) The program makes an allowance for those limits to be exceeded.

(3) Unless modified by subsection (4) of this section, the TANF income methodology, as described in this chapter, is used to determine a client's countable income for the following programs:

(a) TANF related categorically needy (CN) or medically needy (MN);

(b) TANF related CN extended medical as described in chapter 388-523 WAC;

(c) Pregnant women's program, CN or MN;

(d) Children's medical program, CN or MN;

(e) Children's health program;

(f) SFA related medical;

(g) Medically Indigent (MI) program.

(4) Certain exceptions to the TANF cash assistance methodology apply as follows:

(a) The financial responsibility of relatives is more limited when a client is applying for medical as specified in chapter 388-408 WAC;

(b) Income is always prospectively budgeted for medical;

(c) Work related child care expenses, which are the client's responsibility, are income deductions;

(d) The fifty percent work incentive is not used to calculate countable income for programs with income levels based upon the Federal Poverty Level (FPL). These programs are listed in subsection (3)(b), (c), (d) and (e) of this section. The only work related income deductions for these programs are:

(i) Ninety dollars; and

(ii) Work related child care expenses, as described in subsection (4)(c) of this section.

(e) A nonrecurring lump sum payment is considered as income in the month the client receives payment, and a resource if the client retains the payment after the month of receipt.

(5) SSI income methodology, as described in WAC 388-450-0020, is used to determine a client's countable income for:

(a) SSI related CN or MN; and

(b) Medicare cost sharing programs.

(6) Exceptions to the SSI income methodology apply as follows:

(a) Lump sum payments are excluded as income;

(b) The interest portion of a payment a client receives from a sales contract which is a nonexcluded resource is treated as unearned income; and

(c) The principle and interest portions of a payment a client receives from a sales contract, which meets the definition in chapter 388-470 WAC, are treated as unearned income.

NEW SECTION

WAC 388-450-0215 Prospective budgeting. Unless specifically stated, the following rules apply to all cash, medical and food assistance programs.

(1) Prospective budgeting means an assistance unit's benefit amount for the month is computed using the best estimate of income and circumstance for that month.

(2) Best estimate means a reasonable expectation and knowledge of current, past and future circumstances. For cash assistance programs:

(a) An overpayment is established if the income is underestimated; and

(b) A corrective payment is issued if the income is overestimated.

(3) For medical assistance programs, the assistance unit's income is always prospectively budgeted.

PROPOSED

(4) For cash and food assistance programs, an assistance unit's income and circumstances are prospectively budgeted:

- (a) For the first two months of benefit eligibility;
- (b) When the benefits have been closed for less than one month and were closed in the first prospectively budgeted month; or
- (c) When the assistance unit's benefits are suspended, as defined in WAC 388-450-0245 and the assistance unit experiences a significant change in their income, such as loss of employment, in the budget or process month.

(5) For each month of benefit eligibility certain assistance units will have their income prospectively budgeted. This applies to assistance units in which:

- (a) All adult members are elderly or disabled and do not have earned income or recent work history, as defined in WAC 388-404-0015, 388-400-0040 and chapter 388-456 WAC;
- (b) The members are migrant workers. Migrant workers' mean an assistance unit that works in seasonal agricultural employment that requires the assistance unit to be away from its permanent place of residence overnight;
- (c) All members are homeless, as defined in chapter 388-408 WAC; or
- (d) For food assistance programs the only income is from seasonal farm work, as defined in WAC 388-406-0040.

NEW SECTION

WAC 388-450-0220 Retrospective budgeting. The following rules apply to all cash and food assistance programs.

- (1) Retrospective budgeting means the assistance unit's benefit amount for the payment month is computed using the actual income and circumstances of the budget month.
 - (a) The budget month is the month in which the income is received by the client.
 - (b) The process month is the month following the budget month. It is the month the department computes the client's benefit amount when income from the budget month is reported timely.
 - (c) The payment month is the month following the process month.
 - (2) After the first two months of benefit eligibility, an assistance unit's income and circumstances are retrospectively budgeted, except when the assistance unit:
 - (a) Is listed in WAC 388-450-0025(5); and
 - (b) Has discontinued income, as defined in WAC 388-450-0235.
 - (3) An assistance unit's initial month's benefits are retrospectively budgeted when one of the following exists:
 - (a) The assistance unit's benefits are reopened as the benefits were closed in error;
 - (b) The assistance unit's benefits are reopened after being closed less than one month and closed after the first initial month of eligibility;
 - (c) A new person with income is added to the assistance unit and their income had been counted to determine benefits for another assistance unit; or
 - (d) The assistance unit's benefits were suspended, as defined in WAC 388-450-0245, and:

- (i) The first month of eligibility follows the month of suspension; and
- (ii) The assistance unit has not experienced a significant change, as provided in WAC 388-450-0245.

(4) Income from a discontinued source that was prospectively budgeted during the first two months of eligibility, may be excluded for retrospective budgeting as specified in WAC 388-450-0235.

NEW SECTION

WAC 388-450-0225 Budgeting income for cash assistance applicants. The grant amount for the month of application is computed as follows:

- (1) All countable income to be budgeted during the first calendar month of eligibility is subtracted from the payment level plus authorized additional requirements; and
- (2) The grant is prorated for the remaining number of days in the month beginning with the effective date of eligibility. This prorated figure is the benefit level for the first month of eligibility.

NEW SECTION

WAC 388-450-0230 Treatment of income in the month of application for destitute food assistance households. (1) When a migrant or seasonal farm worker is determined destitute under WAC 388-406-0020, eligibility and benefit amount for the month of application is determined by:

- (a) Counting the household's income that is received from the first of the month through the date of application; and
 - (b) Excluding income from a new source that the household expects to receive during the ten days after the date of application.
- (2) A household member changing jobs but continuing to work for the same employer is considered to be receiving income from the same source.

NEW SECTION

WAC 388-450-0235 Discontinued income. (1) For cash and food assistance programs, discontinued income means income which was available but is no longer received.

- (2) When income of an assistance unit was used to determine the benefit amount in the first two months of eligibility has stopped, the income is not used to determine benefits for the following months.
- (3) For food assistance programs, clients who report during the budget month that income stopped that month will not have the income counted for the corresponding payment month.

NEW SECTION

WAC 388-450-0240 Effect of net lump sum payments for cash assistance. For cash assistance, a net lump sum payment, as determined under WAC 388-450-0075, effects the client's eligibility and benefit amount as follows:

(1) When the net lump sum payment is less than the client's payment standard plus additional requirements for one month, the payment is retrospectively budgeted as specified in WAC 388-450-0220.

(2) When the net lump sum payment is more than one month's payment standard plus additional requirements but less than two months, the payment is budgeted following the retrospective monthly budgeting cycle specified in WAC 388-450-0220. The lump sum payment effects the client's eligibility and benefit level as follows:

(a) The grant for the payment month corresponding to the month the payment was received is suspended; and

(b) The remainder of the lump sum payment is treated as countable income when determining the benefit level for the month following the grant suspension month.

(3) When the net lump sum payment is at least twice a client's payment standard plus additional requirements, the client is not eligible for cash benefits for the month the lump sum payment was received and the following month.

(4) A client's period of ineligibility as established in subsection (3) of this section can be reduced when:

(a) The client's payment standard increases;

(b) For reasons beyond a client's control, any or all of the one-time lump sum payment becomes unavailable; or

(c) The client or other members of the assistance unit become responsible for or pay medical expenses.

(5) When an ineligible or disqualified client receives a one-time lump sum payment:

(a) The payment is first allocated to meet the needs of the ineligible or disqualified client, as specified in WAC 388-450-0105; and

(b) The remaining income is treated as a lump sum payment according to the rules of this section.

(6) To avoid a period of ineligibility as specified in subsection (3) of this section, a client may request termination of their cash benefits the month before the receipt of a lump sum payment.

(7) For TANF-related medical programs, nonrecurring lump sum payments are:

(a) Counted as income in the month received; and

(b) Any money that remains on the first of the next month is counted as a resource.

NEW SECTION

WAC 388-450-0245 Suspending benefits. (1) Suspension means an assistance unit's countable net income is more than the payment standard plus additional requirements for only one payment month.

(2) An assistance unit's benefits will be suspended rather than terminated when:

(a) There is reason to believe the assistance unit would be ineligible for benefits for only one payment month; and

(b) The cause was due to income or other circumstances in the corresponding budget month.

NEW SECTION

WAC 388-450-0250 Income of a new assistance unit member. The following rules apply to all cash, medical and food assistance programs.

(1) A client's income is treated as specified in chapter 388-418 WAC when the client enters an assistance unit.

(2) When a recipient establishes a separate assistance unit:

(a) That client is removed from the prior assistance unit; and

(b) The method of income budgeting that was in effect in the prior assistance unit is used for the new assistance unit.

Chapter 388-452 WAC

INTERVIEW REQUIREMENTS

NEW SECTION

WAC 388-452-0005 Interview requirements. (1) Persons applying for assistance programs have a single in-office interview unless an alternate type of interview is requested and approved. The interview is conducted in:

(a) A community services office; or

(b) A Social Security Administration district office for SSI applicant or recipient assistance units applying for food assistance programs.

(2) The person who attends the eligibility interview is:

(a) For food assistance, a responsible member of the assistance unit or an authorized representative as defined in WAC 388-462-0005; or

(b) For cash assistance and medical, an applicant or someone representing the applicant when the applicant is unable to come into the office.

(3) TANF and SFA assistance units are required to have an in-office interview at least once every twelve months for redetermination of eligibility.

(4) A client may bring anyone to the interview.

(5) Persons applying for medical only are not required to have an in-office interview when the person:

(a) Is pregnant and the application is for a pregnancy-related program; or

(b) Is applying only for a child eighteen or younger and the application is for a medical program for children.

(6) Persons may have an alternate type of interview rather than an in-office interview. An alternate type of interview is completed:

(a) By telephone;

(b) By a scheduled home visit; or

(c) For medical only programs, through the mail.

(7) A person may have an alternate type of interview when they request an alternate type and:

(a) They are unable to appoint an authorized representative;

(b) They do not have a responsible assistance unit member able to come into the office because of hardships; or

(c) For medical programs, there is adequate information to determine eligibility.

NEW SECTION

WAC 388-452-0010 What does the family violence amendment mean for TANF recipients? The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), also known as the Welfare Reform Act, gave every state the option to have a program to address issues of family violence for temporary assistance for needy families (TANF) recipients.

(1) For TANF, it is family violence when a recipient, or family member or household member has been subjected by another family member or household member as defined in RCW 26.50.010(2) to one of the following:

(a) Physical acts that resulted in, or threatened to result in, physical injury;

(b) Sexual abuse;

(c) Sexual activity involving a dependent child;

(d) Being forced as the caretaker relative or a dependent child to engage in nonconsensual sexual acts or activities;

(e) Threats of or attempts at, physical sexual abuse;

(f) Mental abuse;

(g) Neglect or deprivation of medical care; or

(h) Stalking.

(2) DSHS shall:

(a) Screen and identify TANF recipients for a history of family violence;

(b) Notify TANF recipients about the family violence amendment both verbally and in writing;

(c) Maintain confidentiality as stated in RCW 74.04.060;

(d) Refer individuals needing counseling to supportive services;

(e) Waive WorkFirst requirements in cases where the requirements would make it more difficult to escape family violence, unfairly penalize victims of family violence or place victims at further risk of family violence. Requirements to be waived may include:

(i) Time limits for TANF recipients, for as long as necessary (after fifty-two months of receiving TANF);

(ii) Cooperation with the division of child support.

(f) Develop specialized work activities for clients meeting the definition of family violence in instances where participation in work activities would place the recipients at further risk of family violence.

Chapter 388-454 WAC**LIVING WITH A RELATIVE****NEW SECTION**

WAC 388-454-0005 Living in the home of a relative or guardian requirement for TANF, SFA and GA-H. (1) To be eligible for TANF or SFA, a child must live in the home of a parent or other relative as defined in WAC 388-454-0010.

(2) To be eligible for GA-H, a child must be living in the home of a person who is:

(a) A court-appointed legal guardian or court-appointed permanent custodian; and

(b) Not a relative as defined in the TANF program.

(3) A home is defined as a family setting that is being maintained or in is in the process of being established. A family setting exists when the relative or guardian assumes and continues to be responsible for the day to day care and control of the child. A family setting exists when a family is living in temporary shelter or has no shelter.

(4) A child or caretaker temporarily absent from the home remains eligible for assistance under the conditions described in WAC 388-454-0015 and 388-454-0020.

NEW SECTION

WAC 388-454-0010 Definition of a parent or other relative for TANF and SFA. To be eligible for TANF or SFA, a child must be living with a person who meets the following definition of a parent or relative.

(1) A child's parent is the child's natural or adoptive parent or a step-parent who is legally obligated to support the child.

(2) A man is considered to be a child's natural father if the relationship is:

(a) Established under a judgment or order determining the parent and child relationship entered under RCW 26.26.130; or

(b) Presumed under the Uniform Parentage Act (RCW 26.26.040)

(3) Nonparental relatives include:

(a) The following blood relatives (including those of half blood): siblings, first cousins (including first cousins once removed), nephews and nieces, and persons of preceding generations (including aunts, uncles and grandparents) as denoted by prefixes of great, great-great, or great-great-great.

(b) A natural parent whose parental rights have been terminated by a court order.

(c) A stepparent whose obligation to support the child has been terminated by the death of the child's natural or adoptive parent or the entry of a court order.

(d) A step sibling even though the marriage of the step sibling's parent to the child's natural or adoptive parent is terminated by death, divorce or dissolution.

NEW SECTION

WAC 388-454-0015 Temporary absence from the home. The child or the caretaker is temporarily absent from the home as long as the caretaker continues to be responsible for the care and control of the child. Temporary absences cannot exceed ninety days except as described below. A caretaker must report a child's absence in excess of ninety days as required under WAC 388-418-0005. Temporary absences include:

(1) Receiving care in a hospital or public or private institution. If the temporary care exceeds ninety days, the assistance payment for the person is reduced to the CPI amount specified under chapter 388-478 WAC.

(2) Receiving care in a substance abuse treatment facility. If the care exceeds ninety days, the assistance payment for the person is reduced to the CPI amount specified under chapter 388-478 WAC.

(3) Visits in which the child or parent will be away for ninety days or less, including visits of a child to a parent who does not reside in the child's home.

(4) Placement of a child in foster care when the child's caretaker is receiving care in a residential treatment facility or for other reasons as determined by the division of children and family services (DCFS). DCFS must determine that the child is expected to return to the home within ninety days of the foster care placement.

(5) Placement of a child in foster care or in the temporary care of a relative, when:

(a) A parent or other relative applies for TANF or SFA on behalf of the child;

(b) The division of children and family services has determined the child will be placed in the care of the applying relative within thirty days following the authorization of assistance; and

(c) No concurrent TANF or SFA payments are made for the child while in the temporary care of a relative.

(6) The child or caretaker is attending school or training as described in WAC 388-454-0020.

NEW SECTION

WAC 388-454-0020 Temporary absence to attend school or training. A child or caretaker is temporarily absent from the home to attend school or training when:

(1) The child's caretaker is attending a department approved vocational training program; or

(2) The child attends school or training away from home, as long as:

(a) The child returns to the family home during a year's period, at least for summer vacation; and

(b) The absence is necessary because:

(i) Isolation of the child's home makes it necessary for the child to be away to attend school;

(ii) The child is enrolled in an Indian boarding school administered through the Bureau of Indian Affairs; or

(iii) Specialized education or training is not available in the child's home community and is recommended by local school authorities.

NEW SECTION

WAC 388-454-0025 Notice to parent when child lives with nonparental relative. (1) When TANF/SFA has been approved for a child who is living with a nonparental caretaker relative, the department will make reasonable efforts to notify the parent with whom the child most recently lived that:

(a) Assistance has been authorized for the child;

(b) Family reconciliation services may be requested from the department; and

(c) The parent has the right to request the child's address and location.

(2) The parent will be notified within seven calendar days of assistance authorization.

(3) The parent will not be notified if there is a substantiated claim that the parent has abused or neglected the child.

(4) Release of the child's address and location will be subject to the requirements of chapter 388-428 WAC.

Chapter 388-456 WAC

MONTHLY REPORTING

NEW SECTION

WAC 388-456-0001 Monthly reporting. (1) Monthly reporting requirements affect the following programs:

(a) TANF/SFA,

(b) GA-S,

(c) GA-H,

(d) FSP/FAP.

(2) Assistance units who must report their income and circumstances of all members monthly are:

(a) Those with earned income;

(b) Those with recent work history; and

(c) Those which have income allocated or deemed to them from persons with earned income who are financially responsible for a member of the assistance unit.

(3) Assistance units subject to monthly reporting must return a completed report on a form specified by the department by the fifth calendar day of the process month.

(a) A report is considered complete when:

(i) All questions on the report are answered;

(ii) The report is signed; and

(iii) Income and changes are verified.

(b) The process month is the month following the month in which the income was received.

(4) Assistance units are notified when:

(a) Information or action is needed because the report is incomplete;

(b) The information reported changes the benefit amount or causes termination of benefits; or

(c) The report has not been received by the department. Assistance units are notified ten days in advance of the termination of cash and food assistance benefits. The effective date is the last day of the process month.

(5) Food assistance units reporting monthly are not required to report changes prior to reporting on the monthly report.

NEW SECTION

WAC 388-456-0005 Processing a late report. (1) A cash assistance unit can return a completed report before the end of the process month and receive reinstated benefits if information contained in the report establishes eligibility.

(2) A food assistance unit can return a completed report before the end of the payment month and receive reinstated benefits if information contained in the report establishes eligibility.

(3) Cash and food assistance units will be notified of:

(a) The new benefit amount; or

(b) The termination of benefits and the reason if information contained in the report causes the termination of benefits.

PROPOSED

NEW SECTION

WAC 388-456-0010 Recent work history. Recent work history means that the assistance unit has had employment in one of the two months prior to the payment month as defined in WAC 388-450-0240.

(1) Newly approved assistance units with recent work history must report income and circumstances monthly for two months beginning with the month following their approval for assistance.

(2) Recipient assistance units who report that their earned income has stopped must continue to report monthly for two months after the last receipt of income from employment.

NEW SECTION

WAC 388-456-0015 Exceptions to monthly reporting. The following assistance units with earned income or recent work history are exempt from monthly reporting:

- (1) Migrant assistance units;
- (2) Homeless assistance units;
- (3) Assistance units with a recent work history in which all adult members are elderly or disabled; or
- (4) Assistance units whose sole income is from college work study issued from either:
 - (i) Title IV of the Higher Education Amendments; or
 - (ii) Bureau of Indian Affairs student assistance programs; and
- (5) For FSP/FAP only, seasonal farmworker assistance units.

**Chapter 388-458 WAC
NOTICES TO CLIENTS**

NEW SECTION

WAC 388-458-0005 Adequate notice of denial or withdrawal. (1) When a client's application for cash, medical or food assistance is denied or withdrawn, the client receives a written notice of denial or withdrawal which includes:

- (a) The reason or reasons for the denial or withdrawal and the rules to support the department's decision;
 - (b) The date of the decision; and
 - (c) The right to a fair hearing.
- (2) When the applicant does not provide requested information and there is not enough information available for the department to determine eligibility, the denial notice also includes;
- (a) A description of the information that was requested and not provided, including the date the information was requested;
 - (b) A statement that eligibility for assistance cannot be established based on information available to the department; and
 - (c) That eligibility will be redetermined if, within thirty days from the date of the denial notice, the applicant:
 - (i) Provides all specified information previously requested but not provided; and

- (ii) The applicant's circumstances have not changed.

NEW SECTION

WAC 388-458-0010 Adequate notice of adverse action to recipients. An adequate written notice of a decision to terminate, suspend, reduce or restrict cash, medical or food assistance benefits includes a statement of:

- (1) The action the department intends to take;
- (2) The reasons for the intended action;
- (3) The specific rule, regulation or law supporting the action; and
- (4) The recipient's right to request a fair hearing, including the circumstances under which assistance may be continued if a hearing is requested.

NEW SECTION

WAC 388-458-0015 Translation of written communications with limited English proficient clients. The following written communications concerning cash, medical and food assistance programs are translated into the primary language of clients with limited English proficiency:

- (1) Notices requesting information or action which require a response from the client to determine:
 - (a) Initial eligibility; or
 - (b) Continuing eligibility for assistance.
- (2) Notices of approval, denial, or withdrawal of applications for assistance;
- (3) Notices of termination, suspension, reduction or restriction of assistance;
- (4) Notices describing client rights and responsibilities;
- (5) Notices requiring a client's signature or informed consent; and
- (6) Notice of overpayments of cash, medical and food assistance.

**Chapter 388-460 WAC
PAYEES ON WARRANTS**

NEW SECTION

WAC 388-460-0001 Payee for cash, medical and food assistance benefits. (1) Cash assistance may be issued in the name of the following persons:

- (a) A client who is the recipient of the benefits;
 - (b) An ineligible parent or other relative receiving benefits on behalf of an eligible child;
 - (c) A person, facility, organization, institution or agency acting as a protective payee or representative payee for a client;
 - (d) A guardian or agent acting on behalf of a client; or
 - (e) A vendor of goods or services supplied to an eligible client.
- (2) When medical coverage accompanies cash assistance, the medical ID card for the assistance unit members is issued in the name of the person listed as payee for the cash benefit.

(3) For other medical assistance units, the medical ID card is issued to the person named as the head of the assistance unit.

(4) Food assistance benefits are issued to the person named as the head of the food assistance unit.

NEW SECTION

WAC 388-460-0005 Authorized representative for food assistance benefits. An authorized representative is an adult who is not a member of the food assistance unit but has the knowledge and consent of the assistance unit to act on their behalf.

(1) A responsible member of the food assistance unit can name, in writing, an authorized representative. An authorized representative has authority to:

(a) Apply for food assistance on behalf of the food assistance unit;

(b) Redeem the food coupon authorization (FCA) card for the unit; and

(c) Purchase food for the food assistance unit using the unit's authorized benefit allotment.

(2) A responsible member of the food assistance unit can name in writing an emergency authorized representative to transact a particular FCA card when no responsible member is able to transact the card. Both the responsible member of the food assistance unit and the person named must sign the written statement.

(3) The food assistance unit members are liable for any over-issuance that may result from information supplied to the department by the authorized representative.

(4) An authorized representative may act on behalf of more than one food assistance unit when approved by the CSO administrator.

NEW SECTION

WAC 388-460-0010 Food assistance authorized representative—Treatment centers and group homes. (1) Residents in group homes may choose to have food assistance benefits authorized as follows:

(a) On their own behalf;

(b) Through an authorized representative of their choosing; or

(c) Through the facility acting as authorized representative.

(2) Residents in chemical dependency treatment centers do not have a choice. These persons are required to have a designated employee of the facility act as an authorized representative.

(3) The authorized representative for residents in a chemical dependency treatment center or a group home must:

(a) Be aware of the resident's circumstances;

(b) Notify the department of any changes in income, resources or circumstances within ten days of the change; and

(c) Use the resident's food assistance benefit allotment for meals served to the resident.

(4) A facility when assigning an employee as the authorized representative for residents accepts responsibility for:

(a) Any misrepresentation or intentional program violation; and

(b) Liability for food assistance benefits held at the facility on behalf of the resident.

NEW SECTION

WAC 388-460-0015 Persons who may not be an authorized representative for a food assistance unit. (1) A person acting as an authorized representative for a food assistance unit will be disqualified for one year when that person:

(a) Knowingly provides false information to the department;

(b) Misrepresents the food assistance unit's circumstances; or

(c) Misuses the food assistance benefits.

(2) The authorized representative and the head of the food assistance unit are notified thirty days prior to the disqualification taking effect.

(3) The following persons may act as an authorized representative for a food assistance unit only with written approval of the CSO administrator and only when no one else is available:

(a) An employee of the department;

(b) Any person disqualified from the food assistance program because of an intentional program violation;

(c) A retailer authorized to accept coupons;

(4) A public or private nonprofit organization providing meals for homeless persons may not be an authorized representative under any conditions.

Chapter 388-462 WAC

PREGNANCY

NEW SECTION

WAC 388-462-0005 Pregnancy requirement for GA-S. (1) A woman may be eligible for GA-S at any stage of pregnancy if:

(a) The pregnancy is medically verified; and

(b) She is not eligible for TANF or SFA; and

(c) She has not refused or failed to cooperate in obtaining TANF or SFA. This includes disqualifications for:

(i) Convictions for misrepresenting residence to obtain assistance in two or more states as specified under chapter 388-446 WAC;

(ii) Convictions for drug-related felonies and failing to complete drug treatment as specified under WAC 388-442-0010;

(iii) Failing to report a child's absence within five days of becoming reasonably certain the absence will exceed ninety days as specified under chapter 388-418 WAC; or

(iv) Failing to meet school attendance requirements for unmarried teen parents as specified under chapter 388-486 WAC.

(2) A woman is eligible for GA-S until the end of the month containing the last day of the six week period following the child's birth if:

(a) She relinquishes the child for adoption; and

(b) She was receiving:

(i) GA-S at the time of the child's birth; or

(ii) TANF at the time of the child's birth and later becomes ineligible for TANF because no eligible child resides in the home.

NEW SECTION

WAC 388-462-0010 Pregnancy requirement for TANF and SFA. A woman who is not a caretaker relative of a TANF or SFA eligible child may be eligible for TANF or SFA if:

(1) She is in the third trimester of pregnancy (the three calendar months preceding the expected month of birth) as medically verified; and

(2) The unborn, if born and living with the woman in the month of payment, would be deprived of parental support and care as defined in chapter 388-430 WAC.

NEW SECTION

WAC 388-462-0015 Medical programs for pregnant women. (1) A pregnant woman is eligible for medical services described in this chapter only when her pregnancy is confirmed by a licensed medical practitioner, licensed laboratory, community clinic, family planning clinic, or health department clinic.

(2) A pregnant woman who meets the citizenship, social security number and residence requirements is eligible for:

(a) The categorically needy (CN) medical program when her net income level meets the standard described in WAC 388-478-0075; or

(b) The medically needy medical program when her net income is greater than the standard described in WAC 388-478-0070.

(3) A pregnant woman is eligible for the state funded pregnant woman program when:

(a) She is not CN eligible due to alien status and social security number requirement;

(b) She is a resident;

(c) Her net income level meets the standard described in WAC 388-478-0075.

(4) A woman who was eligible for and received medical on the last day of pregnancy is eligible for extended medical benefits for postpartum care through the end of the month:

(a) Which includes the sixtieth day from the end of the pregnancy, for a pregnant woman receiving Medical in any program except Medically Indigent (MI); or

(a) The pregnancy ends, for a pregnant woman receiving MI benefits.

(5) A woman who was eligible for a medical program on the last day of pregnancy is eligible for family planning services for twelve months from the end of the pregnancy.

Chapter 388-464 WAC

QUALITY ASSURANCE

NEW SECTION

WAC 388-464-0001 Requirement to cooperate with quality assurance. (1) To be eligible for temporary assistance for needy families (TANF), state family assistance (SFA) or federal food stamp benefits, the following clients are required to cooperate in the quality assurance review process:

(a) All adult recipients or payees in a TANF/SFA assistance unit; or

(b) All household members in a food assistance unit.

(2) Assistance units become ineligible for benefits upon a determination of noncooperation by quality assurance and remain ineligible until the client meets quality assurance requirements; or

(a) For TANF/SFA clients, one hundred twenty days from the end of the annual quality assurance review period; or

(b) For food assistance household members, ninety-five days from the end of the annual quality assurance review period.

(3) The quality assurance review period covers the federal fiscal year which runs from October 1st of one calendar year through September 30th of the following year.

(4) Individuals reapplying for TANF/SFA or federal food stamps after the sanction period has ended must provide verification of all eligibility requirements. However, individuals meeting expedited service criteria only need to provide expedited service verification requirements.

Chapter 388-466 WAC

REFUGEE PROGRAM

NEW SECTION

WAC 388-466-0005 Immigration status requirement for refugee assistance. (1) To be eligible for refugee cash assistance (RCA) and refugee medical assistance (RMA), a person must prove, by providing documentation issued by the Immigration and Naturalization Service (INS), that he or she was:

(a) Admitted as a refugee under section 207 of the Immigration and Nationalities Act (INA);

(b) Paroled into the U.S. as a refugee or asylee under section 212(d)(5) of the INA;

(c) Granted conditional entry under section 203(a)(7) of the INA;

(d) Granted asylum under section 208 of the INA;

(e) Admitted as an Amerasian Immigrant from Vietnam through the orderly departure program, under section 584 of the Foreign Operations Appropriations Act, incorporated in the FY88 Continuing Resolution P.L. 100-212;

(f) A Cuban-Haitian entrant who was admitted as a public interest parolee under section 212(d)(5) of the INA.

(2) A permanent resident alien meets the immigration status requirements for RCA and RMA if the individual was previously in one of the statuses described in subsections (1)(a) through (d) of this section.

NEW SECTION

WAC 388-466-0010 Treatment of income and resources for refugee assistance. The income and resources of refugee cash assistance and refugee medical assistance (RCA/RMA) clients are treated according to the rules for the TANF program in chapters 388-450 and 388-470 WAC, except that RCA/RMA clients do not qualify for:

- (1) The fifty percent work incentive allowed under WAC 388-450-0190. Instead, the first ninety dollars of an RCA/RMA client's monthly gross earned income is disregarded;
- (2) The three thousand dollars savings account exclusion allowed to recipients under WAC 388-470-0050;
- (3) The exclusion of a motor vehicle used to transport a physically disabled household member under WAC 388-470-0070; and
- (4) The five thousand dollars vehicle equity value exclusion in WAC 388-470-0070. Instead, the equity value exclusion for a vehicle owned by an RCA/RMA client is fifteen hundred dollars.

NEW SECTION

WAC 388-466-0015 Work and training requirements for refugee cash assistance. To be eligible for refugee cash assistance, clients must meet the following work and training requirements unless they are exempt from participation under WAC 388-466-0020:

- (1) Register for employment with the employment security department or other employment agency designated by the department.
- (2) Enroll and participate in department-approved employability training programs. Training means available and appropriate programs which:
 - (a) Provide job or language training as approved in the client's personal employment plan; and
 - (b) Are intended to have a definite (less than one year) employment objective.
- (3) Accept appropriate offers of employment.

NEW SECTION

WAC 388-466-0020 Exemptions to work and training requirements. (1) Clients are exempt from refugee cash assistance work and training requirements when they are:

- (a) Fifteen years of age or younger;
- (b) Eighteen years of age or younger and enrolled full-time in high school or vocational/technical training and reasonably expected to complete the program before reaching nineteen years of age;
- (c) Sixty-five years of age or older;
- (d) Suffering from an illness or injury that is serious enough to temporarily prevent participation in work or training;
- (e) Incapacitated as determined by a physician or licensed psychologist;
- (f) Needed in the home as the primary care provider for an ill, injured, or incapacitated household member;

(g) A single parent or other caretaker relative of a child five years of age or younger;

(h) A parent or other caretaker of a child when a nonexempt spouse or other nonexempt adult relative in the home is meeting work and training requirements; or

(i) Employed at least thirty hours per week.

(2) A person is not exempt from work and training requirements solely because of an inability to communicate in English.

NEW SECTION

WAC 388-466-0025 Penalties for not complying with work and training requirements. (1) A person who is not exempt from the work and training requirements of WAC 388-466-0015 is not eligible for refugee cash assistance if he or she is:

(a) An applicant who:

(i) Has voluntarily quit employment or refused an offer of employment or a training opportunity within the past thirty days, unless there was good cause to quit or refuse the employment or training under WAC 388-55-027; or

(ii) Is a former recipient who applies during a period of ineligibility established under subsection (2) of this section; or

(b) A recipient who, without good cause as defined under WAC 388-55-027:

(i) Voluntarily quits employment; or

(ii) Fails or refuses to comply with the work and training requirements of WAC 388-466-0015(2).

(2) Assistance to a recipient who is ineligible under subsection (1)(b) of this section will be terminated after the recipient is provided with advance and adequate notice:

(a) Assistance will not be terminated if, during the advance notice period, the recipient:

(i) Decides to accept employment or to participate in required training at any time before the date of termination; and

(ii) Is otherwise eligible for assistance.

(b) If the recipient does not accept employment or does not participate in required training before the date of termination, he or she will be ineligible for a period of:

(i) Three months from the date of termination after the first occurrence; or

(ii) Five months from the date of termination after the second occurrence.

Chapter 388-468 WAC**RESIDENCY**NEW SECTION

WAC 388-468-0010 Residency. (1) A resident is an individual who:

(a) Currently lives in Washington and intends to continue living here; or

(b) Entered the state looking for a job; or

(c) Entered the state with a job commitment.

PROPOSED

(2) A person does not need to live in the state for a specific period of time to be considered a resident.

(3) With the exception of subsection (4), a client can temporarily be out of the state for more than one month. If so, they must supply the department with adequate information to demonstrate their intent to continue to reside in the state of Washington.

(4) Noncategorically eligible food assistance households remaining out of the state more than one calendar month lose their state residence status.

(5) Residency is not a requirement for the following:

- (a) The medically indigent (MI) program; or
- (b) DETOX services.

(6) It is not necessary for a person moving from another state directly to a nursing facility in Washington state to establish residency, prior to entering the facility.

(7) A person who comes to Washington just to get medical care does not meet the definition of a resident and is not eligible for those services.

(8) A person receiving a state Supplemental Security Income (SSI) payment is considered a resident of the state issuing the payment.

(9) In a dispute between states as to which is a person's state of residence, the state of residence is the state in which the person is physically located.

(10) A former resident of the state can apply for the GA-U program while living in another state if:

- (a) The person:
 - (i) Plans to return to this state; and
 - (ii) Intends to maintain a residence in this state; and
 - (iii) Lives in the United States at the time of the application.

(b) In addition to the conditions in subsection (10)(i), (ii), and (iii) being met, the absence must be the result of one of the following:

- (i) Is enforced and beyond the person's control; or
- (ii) Is essential to the person's welfare and is due to physical or social needs.

Chapter 388-470 WAC

RESOURCES

NEW SECTION

WAC 388-470-0005 Resource eligibility and limits for cash, food assistance and TANF-related medical. (1) A resource is personal or real property that is owned by and available to a client.

(2) A client may own and keep excluded resources or countable resources up to the resource limit.

(3) Available resources may be:

- (a) Excluded which means it is not counted toward the resource limit;
- (b) Partially excluded:
 - (i) The resource is not counted up to a specified dollar amount; but
 - (ii) Any amount over that amount is counted toward the resource limit; or

(c) Countable which means the entire value is counted toward the resource limit.

(4) Limits for countable resources are:

(a) For cash assistance and TANF-related medical, an eligible assistance unit's countable resources must be at or below one thousand dollars;

(b) For food assistance, an eligible assistance unit's countable resources must be at or below:

- (i) Three thousand dollars for any household with an elderly member; or
- (ii) Two thousand dollars for all other households.

(5) For food assistance, assistance units in which all members are receiving cash assistance or SSI do not have to meet the resource limits in subsection (4)(b) of this section.

NEW SECTION

WAC 388-470-0010 Ownership of resources for cash assistance, food assistance, and medical programs.

(1) A client owns a resource when the client holds the title to real or personal property or has possession of the property but there is no title.

(2) A client may provide evidence to clarify ownership when doubt exists about:

- (a) Ownership (full or partial);
- (b) Legal control; or
- (c) Value.

(3) Community property is an available resource unless the client can provide proof to the contrary.

(4) Real or personal property is considered to be community property when it is in the name of either the husband or wife or both and can be disposed of by either of them.

(5) Resources are considered separate property rather than community property when the property was:

- (a) Acquired and paid for by either spouse before marriage;
- (b) Acquired and paid for entirely out of income from separate property; or
- (c) Received by one of the spouses as a gift or inheritance.

(6) Property is no longer considered separate when both community and separate properties are used to purchase or improve real or personal property.

NEW SECTION

WAC 388-470-0015 Availability of resources for cash, food assistance and medical programs. (1) A resource is considered available when a client has:

- (a) Actual title;
- (b) Control over and can legally dispose of it; or
- (c) The ability to transfer it to a buyer or convert it into cash.

(2) Only resources that are actually available will affect eligibility. However, the household must take reasonable action to make the resource available.

(3) Resources of persons residing in a shelter for battered women and children are not considered available when:

- (a) The resource is owned jointly with members of the former household; and

(b) Availability of the resource depends on an agreement of the joint owner.

NEW SECTION

WAC 388-470-0020 Excluded resources for cash, food assistance and TANF-related medical programs. Resources that do not count toward a client's resource limit are:

(1) **Burial plot:**

(a) For Cash assistance and TANF/SFA-related medical programs, one burial plot for each assistance unit member is excluded.

(b) For food assistance, one burial plot for each assistance unit member including ineligible members is excluded.

(2) **Energy assistance payments;**

(3) **Household goods** such as furniture;

(4) **Noncash Resources** are excluded for categorically needy (CN) and medically needy (MN) medical programs when the client:

(a) Cannot convert the noncash resource to cash within twenty work days; and

(b) Makes an ongoing attempt to convert the noncash resources to cash.

(5) **Personal items** such as clothing is excluded. For cash assistance programs, personal property of "great sentimental value" can be excluded due to personal attachment or hobby interest, without consideration to its value;

(6) **Resources excluded by federal law.**

NEW SECTION

WAC 388-470-0025 Excluded resources for cash assistance and medical programs. Some types of payments are considered resources. The following resources that do not count toward the resource limits:

(1) **Adoption support payments** when the adopted child is excluded from the assistance unit.

(2) **Bona fide loans.**

(3) **Earned income tax credit** in the month received and the following month.

(4) For cash assistance only, **excess real property** a client is not living on:

(a) When, for a period not to exceed nine months, a client:

(i) Makes a good-faith effort to sell the excess property; and

(ii) Signs an agreement to repay the amount of benefits received or the net proceeds of the sale, whichever is less.

(b) Is used in a self-employment enterprise and meets the criteria in subsection (10).

(5) **Food coupon allotment** from the food assistance programs.

(6) **Food service payments** provided for children under the National School Lunch Act of 1966, PL 92-433 and 93-150.

(7) **Foster care payments** provided under Title IV-E, State or Local foster care maintenance payments.

(8) **Housing and Urban Development (HUD)** community development block grant funds are excluded.

(9) **Income tax refunds** are excluded in the month the refund is received.

(10) **Real and personal property used in a self-employment enterprise** if:

(a) The property is necessary to restore the client's independence or will aid in rehabilitating the client or the client's dependents; and

(b) The client has signed an agreed plan with the department.

(11) **Retroactive cash benefits** or **TANF benefits** resulting from a court order modifying a department policy.

(12) **SSI recipient's income and resources.**

NEW SECTION

WAC 388-470-0030 Excluding a home for cash assistance and medical programs. (1) A home with a reasonable amount of surrounding property, when owned and used by a client as a place of residence, is excluded.

(2) If a client and his or her dependents are absent from the home for more than ninety consecutive days, the total value of the home will count toward the resource limit, unless the absence is due to:

(a) Hospitalization; or

(b) Other health reasons; or

(c) A natural disaster.

(3) If the absence is due to hospitalization or other health reasons the client may be absent for more than ninety days and continue to have the home excluded as a resource when:

(a) At least one of three physicians provides a written statement that in their medical opinion, the client can return to the home during the client's lifetime; or

(b) The home continues to be occupied by a spouse or dependent children or children with disabilities.

(4) If the absence is due to a natural disaster the client may be absent for more than ninety days and continue to have the home excluded as a resource when:

(a) The home is not fit to live in; and

(b) The home will become fit to live in with reasonable effort and expense to the client.

NEW SECTION

WAC 388-470-0035 Excluded resources for food assistance. The following resources do not count toward a client's resource limit.

(1) **Earned income tax credit** is excluded:

(a) In the month it is received and the following month if the person was not a food assistance recipient when the credit was received; or

(b) For twelve months when the person:

(i) Was a food assistance recipient when the credit was received; and

(ii) Remains a food assistance recipient continuously during this period.

(2) **Essential property** needed for employment or self-employment of a household member is excluded. Property

PROPOSED

excluded under this section and used by a self-employed farmer or fisher retains its exclusion for one year after the household member stops farming or fishing.

(3) **Excluded funds** that are deposited in a bank account with countable funds continue to be excluded up to six months from the date of deposit.

(4) **Governmental disaster payments** to repair a damaged home when the household can be sanctioned if the funds are not used for this purpose.

(5) A **home** a client is living in including the surrounding property that is not separated by property owned by others is excluded. Public right of ways do not affect this exclusion;

(6) A **home** that the household is not living in and surrounding property is excluded if the household:

- (i) Is making a good faith effort to sell; or
- (ii) Is planning to return to the home and it is not occupied due to:

- (A) Employment;
- (B) Training for future employment;
- (C) Illness; or
- (D) Unlivable conditions caused by a natural disaster or casualty.

(7) **Indian lands** that are held jointly by the tribe or can be sold only with the approval from the Bureau of Indian Affairs (BIA) are excluded;

(8) **Installment contracts:**

(a) Installment contracts or agreements for the sale of land or property are excluded when they are producing income consistent with their fair market value;

(b) Value of property sold under an installment contract or held for security is excluded if the purchase price is consistent with fair market value.

(9) **Insurance policies and pension funds:**

(a) Cash value of life insurance policies and pension funds (excluding IRAs and Keogh Plans) are excluded.

(b) Prepaid burial plans are excluded when the plan:

- (i) Is death insurance as opposed to a bank account; and
- (ii) Requires repayment for allowable withdrawals.

(10) **Land.** Where a client plans to build a permanent home or is excluded where their property is not separated by land owned by others. The land is countable if the assistance unit owns another home.

(11) A resource is excluded when it is owned by an assistance unit member who receives TANF/SFA or SSI.

(12) Resources that are owned by persons who are not members of the household are excluded;

(13) A resource is excluded when, if sold, the household would only receive one-half of the applicable resource limit as defined under WAC 388-470-0005. The resource must be something other than stocks, bonds, negotiable financial instruments, or a vehicle.

(14) **Prorated income** for self-employed persons or ineligible students. These monies retain their exclusion for the period of time the income is prorated even when commingled with other funds;

(15) **Real or personal property when:**

(a) It produces yearly income that is equal to its fair market value even when used only on a seasonal basis;

(b) Secured by a lien for a business loan and the lien prevents the household from selling it; or

(c) It is directly related to the maintenance or use of a vehicle excluded in WAC 388-470-0075 (Vehicles).

NEW SECTION

WAC 388-470-0040 Excluded resources for SSI-related medical assistance. The resources listed in this section are excluded as resources when a client's eligibility for SSI-related medical assistance is determined.

(1) One home, which may be any shelter in which the client has ownership interest, is excluded when:

(a) The client uses the home as the principal place of residence;

(b) The client's spouse resides in the home; or

(c) The client does not currently live in the home and the client:

(i) Intends to return to the home; and

(ii) Provides the department with an oral or written statement of their intent to return; or

(d) A relative resides in the home when:

(i) The relative is financially or medically dependent on the client; and

(ii) The client or dependent relative provides the department with a written statement of the dependency.

(2) Proceeds, including cash or a sales contract, from the sale of the home described in subsection (1) of this section are excluded when the client purchases another home within three months of receipt of the proceeds of the sale. Only the portion of the sales contract payment which represents interest is counted as unearned income. See WAC 388-450-0040.

(3) The value of a sales contract is excluded:

(a) When the current market value of the contract is zero or the contract is unsalable; or

(b) When combined with other resources, it exceeds the resource limit, and the sales contract was executed:

(i) On or before November 30, 1993; or

(ii) On or after December 1, 1993, and:

(A) Was received as compensation for the sale of the client's principal place of residence;

(B) Provides interest within the prevailing interest rate at the time of the sale;

(C) Requires the repayment of a principal amount equal to the fair market value of the property; and

(D) Payment on the amount owed does not exceed thirty years.

The income a client receives which represents the principle and interest portion of a sales contract meeting the definition of this subsection is counted as unearned income. See WAC 388-450-0040.

(4) A sales contract is a nonexcluded resource when:

(a) It does not meet the conditions in subsection (3); or

(b) The client transferred it to someone other than the client's spouse. See WAC 388-513-1365.

(5) When a client owns a sales contract as described in subsection (4), the portion of the payment which represents the:

(a) Principle is counted as an available resource; and

(b) Interest is counted as unearned income.

PROPOSED

(6) One vehicle with an equity value of up to five thousand dollar is excluded. The five thousand dollars limitation does not apply when the client or a member of the client's household, uses the vehicle which is:

- (a) Necessary for employment; or
- (b) Necessary for the treatment of specific or regular medical problem; or
- (c) Modified for operation by, or transportation of, a person with disabilities; or
- (d) Necessary due to climate, terrain, distance, or similar factors to provide the client transportation to perform essential daily activities.

(7) Property which is essential to self-support is excluded when:

(a) The client uses the property for an income producing activity:

- (i) In a trade or business; or
- (ii) As an employee for work.
- (b) The client uses nonbusiness property with a value up to six thousand dollars in equity, to produce:
 - (i) Goods or services essential to daily activities, solely for the client's household;
 - (ii) An annual income return of six percent or more of the exempt equity; or
 - (iii) A six percent return within a twenty-month period when the client uses the property, or is expected to resume using the property within twelve months, for the activities described in this subsection.

(8) Resources necessary for a client, who is blind or disabled, to enable them to fulfill a Social Security Administration approved self-sufficiency plan are excluded.

(9) Alaska Native Claims Settlement Act benefits are excluded, including:

- (a) Shares of stock held in a regional or village corporation;
- (b) Cash or dividends on stock received from a native corporation up to two thousand dollars per person per year;
- (c) Stock issued by a native corporation as a dividend;
- (d) A partnership interest;
- (e) Land or an interest in land; and
- (f) An interest in a settlement trust.

(10) The total cash surrender value (CSV) of a life insurance policy or policies when the total face value of all policies held by the client is fifteen hundred dollars or less are not counted. The CSV of a client's policies in excess of fifteen hundred dollars is applied to the client's resource limit as described in Wac 388-478-0080.

(11) Restricted allotted land owned by an enrolled tribal member and spouse, if the land cannot be disposed of without the permission of the other person, the tribe, or an agency of the federal government is not counted.

(12) A settlement the client receives for the purpose of repairing or replacing a specific excluded resource is not counted for a period of:

- (a) Nine months when the client uses the total amount of the cash to repair or replace the excluded resource;
- (b) Nine additional months when:
 - (i) Circumstances beyond the control of the client prevent the repair or replacement of the excluded resource; and

(ii) The client uses the total amount of the cash to repair or replace the excluded resource.

(c) Twelve additional months, for a maximum of thirty months, when:

- (i) The settlement is a result of a catastrophe which is declared a major disaster by the President of the United States;

(ii) The excluded resource is geographically within the disaster area as defined by the presidential order;

(iii) The client intends to repair or replace the excluded resource; and

(iv) Circumstances beyond the control of the client prevented the repair or replacement of the excluded resource in the time frames described under subsection (12)(a) and (b) of this section.

(d) Except, any settlement excluded and not used within the allowable time period as described under subsection (12) of this section as an available resource.

(13) Burial spaces for the client and any member of the client's immediate family, as described in subsection (15) are not counted. Burial spaces include:

- (a) Conventional grave sites;
- (b) Crypts;
- (c) Mausoleums; or
- (d) Urns and other repositories customarily used for the remains of deceased persons.

(14) A burial space purchase agreement is also defined as a burial space. The value of the purchase agreement is excluded, as well as any interest accrued on the purchase agreement, which is left to accumulate as part of the value of the burial space purchase agreement.

(15) Immediate family, for purposes of subsection (13) of this section includes the client's:

- (a) Spouse;
- (b) Minor and adult children, including adopted and stepchildren;
- (c) Siblings;
- (d) Parents and adoptive parents;
- (e) Spouses of any of the above.

None of the family members listed above need to be dependent upon or living with the client, to be considered immediate family members.

(16) The following types of burial funds are excluded as resources:

(a) Up to fifteen hundred dollars each for a client or a client's spouse when funds are specifically set aside solely for burial expenses;

(b) A revocable burial contract, burial trust, cash, account, or other financial instrument with a definite cash value; and

(c) Any interest earned and appreciation in the value of excluded burial funds when left to accumulate and become part of the burial fund;

(17) Funds which a client has specifically set aside solely for burial expenses, as described in subsection (16) of this section are funds which:

(a) Are kept separate from all other resources except nonexcluded funds the client intends to use solely for burial related items or services and identified as a burial fund; and

PROPOSED

(b) May be designated as burial funds back to the first day of the month in which the person intended the funds to be set aside for burial.

(18) The limitation described under subsection (16)(a) of this section is reduced by:

(a) The face value of insurance policies owned by the client or spouse if the policies have been excluded as provided in subsection (10) of this section; and

(b) Amounts in an irrevocable burial trust.

(19) A client's burial funds lose excluded status when:

(a) They are mixed with other resources; or

(b) The burial funds, interest, or appreciated values are used for other purposes. These funds are then considered available income:

(i) On the first of the month of use; if

(ii) When added to other nonexcluded resources, the amount exceeds the resource limit as described in WAC 388-478-0080.

(20) All resources specifically excluded by federal statute are not counted.

(21) Retroactive SSI payments, including benefits a client receives under the interim assistance reimbursement agreement with the Social Security Administration, or Social Security Disability Insurance (OASDI) payments are excluded for six months following the month of receipt. This exclusion applies to:

(a) Payments received by the client, spouse, or any other person the client is financially responsible for;

(b) SSI payments made to the client for benefits due for a month before the month of payment;

(c) OASDI payments made to the client for benefits due for a month that is two or more months before the month of payment; and

(d) Payments held as cash, in a checking account, or in a saving account. This exclusion does not apply once the payments have been converted to any other type of resource.

(22) Cash payments an SSI recipient receives from a medical or social service agency to pay for medical or social services are excluded for one calendar month following the month of receipt.

(23) Payments from the Dutch government under the Netherlands' Act on Benefits for Victims of Persecution (WUV) are excluded. Interest earned on these payments is counted as unearned income as specified under chapter 388-450-WAC.

(24) Payments to survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act are excluded. Interest earned on these payments is counted as unearned income as specified under chapter 388-450-WAC.

(25) Earned income tax credit refunds and payments are excluded as resources during the month of receipt and the following month.

(26) Payments from a state administered victim's compensation program are excluded for a period of nine calendar months after the month of receipt.

(27) Payments under section 500 through 506 of the Austrian General Social Insurance Act are not counted as a resource or income when a client's eligibility or post-eligibility (for institutionalized clients) is determined. A post-eligibility

determination is the process of determining a client's share of the cost of institutional or waived services care.

Any interest earned on the payments in this subsection is counted as unearned income. See WAC 388-450-0025.

(28) Payments from *Susan Walker v. Bayer Corporation, et al.*, 96-c-5024 (N.D. Ill.) (May 8, 1997) settlement funds are excluded.

(29) Cash received from the sale of an excluded resource is not counted when it is:

(a) Used to replace an excluded resource; or

(b) Invested in an excluded resource within the same month, unless specified differently under this section.

NEW SECTION

WAC 388-470-0045 Resources that are counted toward the resource limits for cash, food assistance and TANF-related medical programs. The following resources are counted toward an assistance unit's resource limit:

(1) **Liquid resources** such as;

(2) **Motor home** when not used as a residence; or

(3) **Stocks or bonds** minus any early withdrawal penalty.

(4) A resource owned with a person other than a spouse, contract vendor, mortgage or lien holder (jointly owned) is counted as follows:

(a) For cash assistance and TANF-related medical, the client's share of the equity value; or

(b) For food assistance, resources jointly owned by separate assistance units are considered available in their entirety to each assistance unit.

NEW SECTION

WAC 388-470-0050 Resources that are counted for cash assistance and TANF-related medical programs. The following resources are counted toward an assistance unit's resource limit:

(1) **Burial insurance and term insurance** - The cash surrender value in excess of fifteen hundred dollars.

(2) **Child's irrevocable educational trust** - Trust funds in excess of four thousand dollars per child.

(3) **Life insurance** - The cash surrender value of life insurance policies.

(4) **Sales contracts, real estate mortgages, security interest** - Countable cash discount values.

(5) **Savings accounts** - For recipient's only, value in excess of three thousand dollars.

NEW SECTION

WAC 388-470-0055 Resources that are counted for food assistance. The following resources are counted toward an assistance unit's resource limit:

(1) Excluded funds that are deposited in an account with countable funds (commingled) for more than six months from the date of deposit.

(2) **Lump sums** such as insurance settlements, refunded cleaning and damage deposits,

(3) **Resources of ineligible household members**, as described in WAC 388-408-0035(9).

NEW SECTION

WAC 388-470-0060 Resources of an alien's sponsor.

(1) Resources of a sponsor and the spouse who lives with the sponsor affects the eligibility of an alien for three years from the alien's date of entry into the U.S.

(2) A sponsor is any person or organization that signed an affidavit of support on behalf of the alien to allow the alien entry for permanent residence.

(3) The sponsor's countable resources are determined by:

(a) Totaling the countable resources of the sponsor and the sponsor's spouse (if they are living together); and

(b) Subtracting fifteen hundred dollars.

(4) Subsection (3) above does not apply when:

(a) The alien is receiving cash or food assistance as a member of the sponsor's assistance unit;

(b) An alien is sponsored by an organization; or

(c) An alien is not required to have a sponsor.

(5) The sponsor's countable resources are counted towards the alien's resource limit until:

(a) The three year time period expires; or

(c) The sponsor dies.

(6) For medical programs, the resources of the sponsor are excluded resources unless:

(a) The sponsor is a member of the alien's assistance unit; or

(b) The sponsor actually contributes resources to the alien's assistance unit.

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

NEW SECTION

WAC 388-470-0065 Individual development accounts for TANF recipients. (1) A TANF recipient's individual development account (IDA) established under RCW 74.08A.220 is excluded when determining TANF eligibility.

(2) When a TANF recipient withdraws funds from an IDA, for a purpose other than specified in RCW 74.08A.220, the funds are a resource, as specified under WAC 388-resources.

NEW SECTION

WAC 388-470-0070 How vehicles are counted toward the resource limit for cash assistance and TANF-related medical. (1) A vehicle is any device for carrying persons and objects by land, water, or air.

(2) The entire value of a licensed vehicle needed to transport a physically disabled assistance unit member as described under WAC 388-400-0040 is excluded.

(3) The equity value of one vehicle up to five thousand dollars is excluded when it is in running condition and is used by the household.

NEW SECTION

WAC 388-470-0075 How vehicles are counted for food assistance. (1) The entire value of a licensed vehicle even during periods of temporary unemployment is excluded if the vehicle is:

(a) Used over fifty percent of the time for income-producing purposes. An excluded vehicle used by a self-employed farmer or fisher retains its exclusion for one year from the date the household member ends this self-employment.

(b) Used to produce income annually that is consistent with its fair market value (FMV).

(c) Necessary for long-distance travel that is essential to the employment of an assistance unit member whose resources are considered available to the assistance unit. Vehicles needed for daily commuting are not excluded under this provision.

(d) Necessary for hunting or fishing to support the household.

(e) Used as the assistance unit's home.

(f) Used to carry fuel for heating or water for home use when this is the primary source of fuel or water for the assistance unit.

(g) Needed to transport a temporarily or permanently physically disabled household member.

(2) The FMV in excess of four thousand six hundred fifty dollars is counted toward the assistance unit's resource limit for the following licensed vehicles if not excluded in subsection (1) above:

(a) One per assistance unit regardless of use;

(b) Used for transportation to and from work, training, or education; or

(c) Used for seeking employment.

(3) For all other licensed vehicles, the larger value of the following is counted toward the assistance unit's resource limit:

(a) FMV in excess of four thousand six hundred fifty dollars; or

(b) Equity value.

(4) Unlicensed vehicles driven by tribal members on the reservation are treated like a licensed vehicle.

(5) For unlicensed vehicles the equity value is counted towards the assistance unit's resource limit unless the vehicle is:

(a) Used to produce income annually that is consistent with its FMV even if used on a seasonal basis; or

(b) Work-related equipment necessary for employment or self-employment of an assistance unit member.

NEW SECTION

WAC 388-470-0080 Lump sum payments—Compensatory award or related settlement for cash assistance and medical program. (1) A nonrecurring lump sum compensatory award or related settlement payment is excluded as a resource for the month payment was received.

(a) Compensatory awards are court awarded payments for wrongful death, personal injury, damage or loss of property.

(b) Related settlements are payments awarded **without court intervention** for wrongful death, personal injury, damage or loss of property.

(2) The portion of the compensatory award or related settlement payment received for repair or replacement of damaged or lost property or for medical bills is excluded as a resource for sixty days from the end of the month the payment was received.

(3) Any portion of the payment described under subsection (2) of this section is treated as an available resource when not used within sixty days from the month the payment was received.

(4) On the first of the month following receipt of the payment, the portion of the lump sum not excluded under subsection (2) of this section, is added to the client's existing resource value.

(a) If the client's total resource value is more than the resource limit, the client is not eligible for cash benefits beginning the first of the month following the month the payment was received.

(b) If the client's total resource value is less than the resource limit, the client is eligible for continued cash benefits, provided the client did not transfer the lump sum funds for less than adequate consideration as described in WAC 388-488-0005.

Chapter 388-472 WAC

RIGHTS AND RESPONSIBILITIES

NEW SECTION

WAC 388-472-0005 Rights and responsibilities.

Unless specifically stated, the following rules apply to cash, food and medical assistance programs.

(1) A person who applies for or receives public assistance has the right to:

(a) Be treated politely and fairly without regard to race, color, creed, political affiliation, national origin, religion, age, sex, disability, birthplace, or marital status.

(b) File an application on the same day, during regular business hours, that the person contacts the department.

(c) Ask that the application be processed without delay if the person is experiencing an emergency such as having no money for food, facing an eviction, needing medical care that cannot wait or being pregnant.

(d) Get a written decision in most cases within thirty days. Medical and some disability cases may take forty-five to sixty days. Food stamps will be authorized within thirty days if the person is eligible. If the person is eligible and has little or no money, food stamps will be authorized within five days.

(e) Be fully informed, in writing, of all legal rights and responsibilities in connection with public assistance.

(f) Have information kept private. The department may share some facts with other agencies for efficient management of federal and state programs.

(g) For cash and medical assistance programs, ask the department not to collect child support if the absent parent may harm the person or person's child.

(h) For cash assistance programs, ask for extra money to help in an emergency, such as an eviction or a utility shutoff.

(i) Get a written notice, in most cases, at least ten days before the department makes changes to lower or stop benefits.

(j) Ask for a fair hearing if the person does not agree with the department about a decision. Without affecting the right to a fair hearing, the person can also ask a supervisor or administrator to review an employee decision or action.

(k) Have interpreter or translator services at no cost or undue delay.

(l) Refuse to speak to a fraud early detection (FRED) investigator from the division of fraud investigations. The person does not have to let an investigator into the home. The person may ask the investigator to come back at another time. Such a request will not affect the person's eligibility for benefits.

(m) For medical assistance programs only: A person applying for or receiving medical assistance, limited casualty programs, medical care services, or children's health services has the same rights as cash assistance clients.

(n) Receive help from the department to register to vote.

(2) A client is responsible for:

(a) Reporting any changes to the department within twenty days of the change;

(b) Giving all the facts needed to determine eligibility;

(c) Giving the department proof of any facts for which proof is needed;

(d) For most cash or medical assistance programs related to children, cooperating with the department to get child support or medical care support unless it can be shown that harm to the person or child may occur;

(e) For cash or medical assistance programs, applying for and taking any benefits from other programs, if eligible;

(f) Completing reports and reviews when asked to do so;

(g) Seeking and taking a job or training if required; and

(h) For medical assistance programs only, showing the medical identification card or other adequate proof of eligibility to the medical care provider.

Chapter 388-474 WAC

SUPPLEMENTAL SECURITY INCOME

NEW SECTION

WAC 388-474-0001 General information—Supplemental Security Income. (1) Persons with limited income and resources who are aged, blind, or disabled may qualify for federal cash benefits under the Supplemental Security Income program (SSI) administered by the Social Security Administration (SSA).

(2) The SSI program replaced state programs for aged, blind and disabled persons beginning in January, 1974. Persons who received state assistance in December, 1973, as aged, blind or disabled or were needed in the home to care for an eligible person, automatically became eligible for SSI in January, 1974.

(3) The spouse of an SSI recipient who does not qualify for SSI in their own right may be included in the state supple-

ment payment but is not considered an SSI recipient for purposes of medical assistance eligibility.

NEW SECTION

WAC 388-474-0005 Medical coverage. (1) An SSI recipient qualifies for categorically needy medical coverage without a medical determination, except when the SSI recipient:

(a) Refuses to provide private medical insurance information or to assign the right to recover insurance funds to the department;

(b) Disposes of resources for less than fair market value and then applies for Medicaid coverage of nursing home care within thirty months of the date of transfer; or

(c) Has a Medicaid qualifying trust.

(2) Persons designated as an essential person in January, 1974, qualifies for categorically needy medical coverage as long as they continue to reside with the SSI recipient.

(3) The spouse of an SSI recipient is called an ineligible spouse and must have medical eligibility separately determined when:

(a) They do not automatically qualify for medical coverage in subsection (2) above; or

(b) They are not eligible for SSI in their own right.

NEW SECTION

WAC 388-474-0010 Eligibility for other programs.

(1) The spouse of an SSI recipient is not eligible for the state supplement for an ineligible spouse when they are authorized for TANF.

(2) The spouse of an SSI recipient is not eligible for state general assistance benefits. They qualify for the state supplement payment as an SSI ineligible spouse.

(3) An SSI recipient qualifies for the Washington telephone assistance program (WTAP) and may qualify for ongoing additional requirements.

NEW SECTION

WAC 388-474-0015 Termination of SSI. (1) A person terminated from SSI cash assistance will have categorically needy medical coverage continued when:

(a) Countable income exceeds the SSI income standard due solely to the annual cost-of-living adjustment (COLA);

(b) A timely request for a hearing has been filed. Categorically needy medical coverage is continued until SSA makes a final decision on the hearing request and on any subsequent timely appeals.

(2) A person terminated from SSI due to failure to meet federal blindness or disability criteria is eligible for continued categorically needy medical coverage until:

(a) Eligibility for other cash or medical assistance can be determined; or

(b) One hundred twenty days from the date of termination of SSI cash benefits.

(3) A terminated SSI client will have their disability redetermined under certain conditions. These conditions are:

(a) The person presents new medical evidence;

(b) The person's medical condition changes significantly; or

(c) The termination from SSI was not based on a review of current medical evidence.

NEW SECTION

WAC 388-474-0020 Duplicate assistance and overpayments. (1) Persons receiving cash benefits under the general assistance program who receive advance, emergency or retroactive SSI cash assistance for the same time period are considered to have received duplicate assistance. The amount of general assistance paid during this time period must be repaid to the department.

(2) Applicants for general assistance-unemployable (GA-U) are required to sign DSHS 18-235(X), interim assistance reimbursement agreement (IARA) as a condition of eligibility for assistance.

(3) GA-U funds cannot be used to replace money deducted from a person's SSI check by SSA to repay an overpayment of SSI benefits.

Chapter 388-476 WAC

SOCIAL SECURITY NUMBER

NEW SECTION

WAC 388-476-0005 Social Security Number requirements. (1) With certain exceptions, each person who applies for or receives cash, medical or food assistance benefits must provide to the department a Social Security Number (SSN), or numbers if more than one has been issued.

(2) If the person is unable to provide the SSN, either because it is not known or has not been issued, the person must:

(a) Apply for the SSN;

(b) Provide proof that the SSN has been applied for; and

(c) Provide the SSN when it is received.

(3) Assistance will not be delayed, denied or terminated pending the issuance of an SSN by the Social Security Administration. However, a person who does not comply with these requirements is not eligible for assistance.

(4) For food assistance programs:

(a) A person can receive benefits for the month of application and the following month if the person attempted to apply for the SSN and made every effort to provide the needed information to the Social Security Administration.

(b) A newborn may receive benefits for up to six months from the date of birth if the household is unable to provide proof of application for an SSN at the time of birth.

(5) For medical programs, a newborn is eligible at the same level as the birth mother until the newborn's first birthday as long as the newborn remains in the household of the birth mother. When these conditions are met, the SSN requirement does not apply until the newborn's first birthday.

(6) There is no SSN requirement for the following programs:

(a) The consolidated emergency assistance program;

(b) The refugee cash emergency assistance program;

PROPOSED

- (c) The medically indigent program;
- (d) The alien emergency medical program;
- (e) The children's health program; and
- (f) Detoxification services.

Chapter 388-478 WAC

STANDARDS FOR PAYMENTS

NEW SECTION

WAC 388-478-0005 Cash assistance need and payment standards and grant maximum. (1) Need standards for cash assistance programs represent the amount of income required by individuals and families to maintain a minimum and adequate standard of living. Need standards are based on assistance unit size and include basic requirements for food, clothing, shelter, energy costs, transportation, household maintenance and operations, personal maintenance, and necessary incidentals.

(2) Payment standards for assistance units in medical institutions and other facilities are based on the need for clothing, personal maintenance, and necessary incidentals (see WAC 388-478-0040 and 388-478-0045).

(3) Need and payment standards for persons and families who do not reside in medical institutions and other facilities are based on their obligation to pay for shelter.

(a) Eligibility and benefit levels for persons and families who meet the requirements in WAC 388-478-0010 are determined using standards for assistance units with an obligation to pay shelter costs.

(b) Eligibility and benefit levels for all other persons and families are determined using standards for assistance units who have shelter provided at no cost.

(c) For recent arrivals to Washington state who apply for temporary assistance for needy families (TANF), see WAC 388-478-0025.

(4) The monthly grant for an assistance unit containing eight or more persons cannot exceed the grant maximum of one thousand seventy-five dollars.

NEW SECTION

WAC 388-478-0010 Households with obligations to pay shelter costs. The monthly need and payment standards for cash assistance are based on a determination of assistance unit size and whether the assistance unit has an obligation to pay shelter costs.

Eligibility and benefit level is determined using standards for assistance unit with obligations to pay shelter costs if the assistance unit:

(1) Owns, purchases or rents its place of residence, even if costs are limited to property taxes, fire insurance, sewer, water, or garbage;

(2) Resides in a lower income housing project which is funded under the United States Housing Act of 1937 or Section 236 of the National Housing Act, if the household either pays rent or makes a utility payment in lieu of a rental payment; or

(3) Is homeless. Homeless households include persons or families who:

(a) Lack a fixed, regular, and adequate nighttime residence; or

(b) Reside in a public or privately operated shelter designed to provide temporary living accommodations; or

(c) Live in temporary lodging provided through a public or privately funded emergency shelter program.

NEW SECTION

WAC 388-478-0015 Cash assistance need standards.

(1) The cash assistance need standards (and one hundred eighty-five percent of the need standards) for assistance units with obligations to pay shelter costs are:

Assistance Unit Size	Need Standard	185%	Assistance Unit Size	Need Standard	185%
1	\$ 795	\$ 1,471	6	\$ 1,914	\$ 3,540
2	1,005	1,860	7	2,210	4,088
3	1,244	2,302	8	2,446	4,525
4	1,463	2,707	9	2,686	4,969
5	1,686	3,119	10 or more	2,919	5,400

(2) The cash assistance need standards (and one hundred eighty-five percent of the need standards) for assistance units with shelter provided at no cost are:

Assistance Unit Size	Need Standard	185%	Assistance Unit Size	Need Standard	185%
1	\$ 478	\$ 884	6	\$ 1,152	\$ 2,131
2	605	1,119	7	1,332	2,460
3	749	1,386	8	1,472	2,723
4	880	1,628	9	1,617	2,991
5	1,014	1,876	10 or more	1,757	3,250

NEW SECTION

WAC 388-478-0020 Payment standards for TANF, SFA, GA-S, GA-H and RCA. (1) The payment standards for temporary assistance for needy families (TANF), state family assistance (SFA), general assistance for pregnant women (GA-S), general assistance for children (GA-H) and refugee cash assistance (RCA) assistance units with obligations to pay shelter costs are:

Assistance Unit Size	Payment Standard	Assistance Unit Size	Payment Standard
1	\$ 349	6	\$ 841
2	440	7	971
3	546	8	1,075
4	642	9	1,180
5	740	10 or more	1,283

(2) The payment standards for TANF, SFA, GA-S, GA-H and RCA assistance units with shelter provided at no cost are:

PROPOSED

Assistance Unit Size	Payment Standard	Assistance Unit Size	Payment Standard
1	\$ 212	6	\$ 511
2	268	7	591
3	332	8	654
4	391	9	718
5	451	10 or more	780

NEW SECTION

WAC 388-478-0025 TANF payment standards for recent arrivals to Washington state. (1) Eligibility and benefit levels for temporary assistance for needy families (TANF) clients are determined according to length of residency and payment standard requirements established under RCW 74.08.025 (amended in section 101, chapter 58, Laws of 1997).

(2) The length of residency requirement does not apply to a dependent child who lives with a caretaker relative if the relative has resided in Washington for twelve or more consecutive months prior to applying for TANF benefits for the child.

NEW SECTION

WAC 388-478-0030 Payment standards for GA-U and ADATSA. (1) The payment standards for general assistance - unemployable (GA-U) and alcohol and drug addiction treatment and support act (ADATSA) program assistance units with obligations to pay shelter costs are:

Assistance Unit Size	Payment Standard
1	\$339
2	428

(2) The payment standards for GA-U and ADATSA assistance units with shelter provided at no cost are:

Assistance Unit Size	Payment Standard
1	\$206
2	261

NEW SECTION

WAC 388-478-0035 Maximum earned income limits for TANF and SFA. To be eligible for temporary assistance for needy families (TANF) or state family assistance (SFA), a family's gross earned income must be below the following levels:

Number of Family Members	Maximum Earned Income Level	Number of Family Members	Maximum Earned Income Level
1	\$ 698	6	\$1,682
2	880	7	1,942
3	1,092	8	2,150
4	1,284	9	2,360
5	1,480	10 or more	2,566

NEW SECTION

WAC 388-478-0040 Payment standard for persons in medical institutions. (1) "Medical institutions" include skilled nursing homes, public nursing homes, general hospitals, tuberculosis hospitals, intermediate care facilities, and psychiatric hospitals approved by the joint commission on accreditation of hospitals (JCAH).

(2) The monthly payment standard for eligible persons in medical institutions is forty-one dollars and sixty-two cents. The payment covers the person's need for clothing, personal maintenance, and necessary incidentals (CPI).

NEW SECTION

WAC 388-478-0045 Payment standard for persons in certain group living facilities. (1) A monthly grant payment of thirty-eight dollars and eighty-four cents will be made to eligible persons in the following facilities:

- (a) Congregate care facilities (CCF);
- (b) Adult residential rehabilitation centers/adult residential treatment facilities (AARC/ARTF); and
- (c) Division of developmental disabilities (DDD) group home facilities.

(2) The payment covers the person's need for clothing, personal maintenance, and necessary incidentals (CPI).

NEW SECTION

WAC 388-478-0050 Payment standards for recurring additional requirements. Payment standards for recurring additional requirements approved under WAC 388-255-1050 through 388-255-1300:

- (1) Restaurant meals: \$187.09 per month (or \$6.04 per day with the payment rounded down to the nearest dollar amount);
- (2) Laundry: \$11.13 per month;
- (3) Guide dog or service animal food: \$33.66 per month;
- (4) Home delivered meals: The amount charged by the agency providing the meals;
- (5) Telephone: The minimum residential rate for the area; or the discounted amount established under the Washington telephone assistance program (WTAP), whichever is less;
- (6) Winterizing homes: A maximum of \$500.

NEW SECTION

WAC 388-478-0055 SSI standards. (1) Supplemental Security Income (SSI) is a cash assistance program for needy

PROPOSED

individuals and couples who meet federal disability guidelines as aged, blind or disabled. Since the SSI program began in January 1974, the state of Washington has supplemental the federal benefit level with state funds, known as the SSI state supplement. Persons found eligible for SSI receive cash assistance based on the combined federal and state supplemental benefit levels, minus countable income.

(2) Effective January 1, 1998, the federal, state and combined benefit levels for an eligible individual and couple are:

(a) Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties.

(i) Living alone (own household or alternate care, except nursing homes or medical institutions).

LIVING ALONE	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$494.00	\$27.00	\$521.00
Individual with One Essential Person ¹	\$741.00	\$21.00	\$762.00
Couple, both Eligible	\$741.00	\$21.00	\$762.00
Couple with One Essential Person ²	\$741.00	\$21.00	\$762.00
Couple includes Ineligible Spouse	\$494.00	\$167.20	\$661.20

(ii) Shared living (supplied shelter).

SHARED LIVING	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$329.34	\$4.81	\$334.15
Individual with One Essential Person ³	\$494.00	\$5.30	\$499.30
Couple, Both Eligible	\$494.00	\$5.30	\$499.30
Couple includes One Essential Person ⁴	\$494.00	\$5.30	\$499.30
Couple includes Ineligible Spouse	\$329.34	\$102.76	\$432.10

(b) Area II: All counties other than the above.

(i) Living alone (own household or alternate care, except nursing homes or medical institutions).

LIVING ALONE	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$494.00	\$6.55	\$500.55
Individual with One Essential Person ¹	\$741.00	\$0	\$741.00
Couple, Both Eligible	\$741.00	\$0	\$741.00
Couple with One Essential Person ²	\$741.00	\$0	\$741.00
Couple includes Ineligible Spouse	\$494.00	\$137.25	\$631.25

(ii) Shared living (supplied shelter).

SHARED LIVING	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$329.34	\$4.81	\$334.15

Individual with One Essential Person ³	\$494.00	\$5.30	\$499.30
Couple, Both Eligible	\$494.00	\$5.30	\$499.30
Couple includes One Essential Person ⁴	\$494.00	\$5.30	\$499.30
Couple includes Ineligible Spouse	\$329.34	\$102.76	\$432.10

(c) Residing in a medical institution: Area I and II

MEDICAL INSTITUTION	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
Individual	\$30.00	\$11.62	\$41.62

(d) Mandatory income level (MIL) for grandfathered claimant. "Grandfathered" refers to a person who qualified for assistance from the state as aged, blind, or disabled, was converted from the state to federal disability assistance under SSI in January 1974, and has remained continuously eligible for SSI since that date.

The combined federal/state SSI benefit level for MIL clients is the higher of the following:

(i) The state assistance standard they received in December 1973, except for those converted in a "D" living arrangement (residing in a medical institution at the time of conversion), plus the federal cost-of-living adjustments (COLA) since then; or

(ii) The current standard.

¹ Eligible individual with more than one essential person living alone: \$494.00 for the eligible individual plus \$247.00 for each essential person (no state supplement).

² Eligible couple with one or more essential persons living alone: \$741.00 for eligible couple plus \$247.00 for each essential person (no state supplement).

³ Eligible individual with more than one essential person in shared living: \$329.34 for eligible individual plus \$164.66 for each essential person (no state supplement).

⁴ Eligible couple with one or more essential persons in shared living: \$494.00 for eligible couple plus \$164.66 for each essential person (no state supplement).

NEW SECTION

WAC 388-478-0060 Income eligibility standards for food assistance. To be eligible for food assistance, assistance units must have income at or below both the maximum gross and net monthly income standards except as follows:

(1) Assistance units with an elderly or disabled member must have income at or below only the maximum net monthly income standard.

(2) Assistance units in which all members are receiving cash assistance or SSI do not have to meet the maximum gross or net monthly income standards.

EFFECTIVE 10-1-97

Household Size	Maximum Gross Monthly Income	Maximum Net Monthly Income	165% of the Poverty Level	Maximum Allotment
1	\$ 855	\$ 658	\$1,085	\$122
2	1,150	885	1,459	224
3	1,445	1,111	1,833	321
4	1,739	1,338	2,207	408

PROPOSED

5	2,034	1,565	2,581	485
6	2,329	1,791	2,955	582
7	2,623	2,018	3,329	643
8	2,918	2,245	3,703	735
9	3,213	2,472	4,077	827
10	3,508	2,699	4,451	919
Each Additional Member	+295	+227	+374	+92

FAMILY SIZE	100% FPL	185% FPL	200% FPL
1	\$ 671	\$1242	\$1342
2	\$ 905	\$1673	\$1809
3	\$1138	\$2105	\$2275
4	\$1371	\$2537	\$2742
5	\$1605	\$2968	\$3209
6	\$1838	\$3400	\$3675
7	\$2071	\$3832	\$4142
8	\$2305	\$4263	\$4609
9	\$2538	\$4695	\$5075
10	\$2771	\$5127	\$5542

Add to the ten person standard for each person over ten:

\$ 234	\$ 432	\$ 467
--------	--------	--------

NEW SECTION

WAC 388-478-0065 TANF-related categorically needy income level (CNIL) and resource standards. (1) The categorically needy income level (CNIL) standard for TANF-related medical is the same as the grant payment standards for the TANF cash program as stated in WAC 388-478-0020.

(2) The countable resource standards for TANF-related categorically needy (CN) medical are the same as those of the TANF cash program as stated in WAC 388-470-0005.

NEW SECTION

WAC 388-478-0070 Monthly income and countable resource standards for medically needy and medically indigent (MN and MI) programs. (1) Beginning January 1, 1998, the medically needy income level (MNIL) and MI standards to be applied to a medical assistance unit are as follows:

(a) One person	\$521
(b) Two persons	\$592
(c) Three persons	\$667
(d) Four persons	\$742
(e) Five persons	\$858
(f) Six persons	\$975
(g) Seven persons	\$1,125
(h) Eight persons	\$1,242
(i) Nine persons	\$1,358
(j) Ten persons and more	\$1,483
(2) The MN and MI program countable resource standards are:	
(a) One person	\$2,000
(b) A legally married couple	\$3,000
(c) For each additional family member add	\$50

NEW SECTION

WAC 388-478-0075 Monthly income standards for federal poverty level income based programs. (1) Income eligibility for the following medical programs is based upon the Federal Poverty Level (FPL) as established by the U.S. Department of Labor and updated annually:

- (a) Children's health program is one hundred percent of FPL,
 - (b) Pregnant women's program is one hundred eighty-five percent of FPL, and
 - (c) Children's categorically needy program is two hundred percent of FPL.
- (2) The FPL is effective as of April 1, 1998.

NEW SECTION

WAC 388-478-0080 SSI-related CNIL medical monthly income and countable resource standards. (1) The SSI-related CNIL standard is the same as the SSI payment standard based upon the area of the state where the person lives. Area 1 is defined as the following counties: King, Pierce, Snohomish, Thurston and Kitsap. Area 2 is all other counties. The CNIL standards are as follows:

	Area 1	Area 2
(a) Single person	\$521.00	\$500.55
(b) A legally married couple both eligible	\$762.00	\$741.00

(2) The resource standards for the SSI-related CN medical program are:

(a) One person	\$2,000
(b) A legally married couple	\$3,000

NEW SECTION

WAC 388-478-0085 Medicare cost sharing program monthly income and countable resources standards. (1) The qualified Medicare beneficiary (QMB) program income standard is based upon one hundred percent of the Federal Poverty Level (FPL). Beginning April 1, 1998, this program's income standards are:

(a) One person	\$ 671
(b) Two persons	\$ 905

(2) The special low-income Medicare beneficiary (SLMB) program income standard is over one hundred percent of the FPL, but under one hundred twenty percent of the FPL. Beginning April 1, 1998, this program's income standards are:

	Minimum	Maximum
(a) One person	\$ 671.01	\$ 805
(b) Two persons	\$ 905.01	\$ 1085

(3) The expanded special low-income Medicare beneficiary (ESLMB) program income standard is over one hundred twenty percent of the FPL, but under one hundred thirty-

five percent of the FPL. Beginning April 1, 1998, this program's income standards are:

	Minimum	Maximum
(a) One person	\$ 805.01	\$ 906
(b) Two persons	\$ 1085.01	\$ 1221

(4) The qualified disabled working individual (QDWI) program income standard is based upon two hundred percent of the FPL. Beginning April 1, 1998, this program's income standards are:

(a) One person	\$ 1342
(b) Two persons	\$ 1809

(5) The qualified individual (QI) program income standard is over one hundred thirty-five percent of the FPL, but under one seventy-five percent of the FPL. Beginning April 1, 1998 this program's income standards are:

	Minimum	Maximum
(a) One person	\$ 906.01	\$ 1174
(b) Two persons	\$ 1221.01	\$ 1583

(6) The countable resource standards for all of the Medicare cost sharing programs in this sections are the same. These resource standards are:

(a) One person	\$ 4000
(b) Two persons	\$ 6000

Chapter 388-480 WAC

STRIKERS

NEW SECTION

WAC 388-480-0001 Strikers. (1) A strike is defined as a concerted work stoppage, slowdown or other interruption of work initiated by employees.

- (2) An individual is not considered a striker, if;
 - (a) Locked out by the employer,
 - (b) Unable to work as a result of striking employees,
 - (c) Not part of the bargaining unit on strike and fearful of personal injury from crossing picket lines,
 - (d) Exempt from work registration the day before the strike (for reasons other than employment over thirty hours per week).

(3) TANF/SFA, GA-H or RCA recipients are not eligible for any month in which a parent or the only eligible child is participating in a strike on the last day of the month.

(4) In TANF/SFA, GA-H or RCA assistance units, if a member other than the parent or only eligible child is on strike on the last day of the month, only that person is ineligible.

(5) Applicants for food assistance are ineligible if participating in a strike, unless:

- (a) The household met all income and resource eligibility standards the day prior to the strike, and
- (b) Is otherwise eligible at the time of application.

(6) Food assistance households are not eligible for an increase in benefits solely due to a decrease in income as a direct result of participation in a strike.

Chapter 388-482 WAC

STUDENT STATUS

NEW SECTION

WAC 388-482-0005 Student status for food assistance. (1) A food assistance client is considered a student when the client is:

- (a) Aged eighteen through forty-nine years;
- (b) Physically and mentally able to work; and
- (c) Enrolled at least half time in an institution of higher education as defined by the institution.

(2) An institution of higher education is:

- (a) Any educational institution requiring a high school diploma or general education development certificate (GED);
- (b) Business, trade or vocational schools requiring a high school diploma or GED; or
- (c) A two-year or four-year college or university offering a degree but not requiring a high school diploma or GED.

(3) To be an eligible student in the food assistance programs, a student as defined in subsection (1) of this section must meet one of the following:

(a) Work and receive pay for an average of twenty hours each week. A self-employed student's weekly earnings must be equal to or above the federal minimum wage multiplied by twenty hours.

(b) Work and receive money from a federal or state work study program;

(c) Be responsible for the care of their child age five or younger;

(d) Be responsible for the care of their child six through eleven years of age and the department has determined that there is not adequate child care available during the school year to allow the student to:

(i) Attend class and satisfy the twenty hour work requirement; or

(ii) Take part in a work study program.

(e) Be a single parent responsible for the care of their child eleven years old or younger even if child care is available;

(f) Be an adult who has parental control of a child eleven years of age or younger and neither the adult's spouse nor the child's parents reside in the home;

(g) Participate in the WorkFirst program as required under WAC 388-310-400;

(h) Receive benefits from TANF or SFA;

(i) Attend an institution of higher education through:

(i) The job training partnership act (JTPA);

(ii) Food assistance employment and training program (FS E&T);

(iii) An approved state or local employment and training program; or

(iv) Section 236 of the Trade Act of 1974.

(4) Student status:

(a) Begins the first day of the school term; and

PROPOSED

(b) Continues through vacations. Vacations include the summer when the student plans to return to school for the next term.

(5) If the only reason a student is eligible for food assistance is the participation in work study, the student becomes ineligible during the summer months if the student is not working and receiving money from work study. Consider other student eligibility criteria during the summer months.

(6) Student status ends when a student:

- (a) Graduates;
- (b) Is suspended or expelled;
- (c) Drops out; or
- (d) Does not intend to register for the next school term other than summer.

Chapter 388-484 WAC

TANF/SFA FIVE YEAR TIME LIMIT

NEW SECTION

WAC 388-484-0005 Five year time limit for TANF and SFA. (1) A family is not eligible for TANF or SFA if the family includes an adult who has received TANF or SFA for sixty months after August 1, 1997.

(2) In calculating the number of months an adult family member has received TANF or SFA, a month is not counted if the adult received assistance:

(a) As a minor child who was not the head of a household or married to the head of a household. A minor child is not the head of a household when residing with a parent, legal guardian, or other adult relative, or living in a department-approved living arrangement under the supervision of a non-related adult; or

(b) When living in Indian country, as defined under 18 U.S.C. 1151, or an Alaskan Native village, if during the months the individual received TANF or SFA at least fifty percent of the adults living on the reservation or in the village were unemployed.

(3) An adult who has received fifty-two months of TANF or SFA may be exempted from the five-year time limit for reasons of hardship or family violence if the total number of exempted cases does not exceed twenty percent of the average monthly number of TANF and SFA cases statewide during a fiscal year.

Chapter 388-486 WAC

TEEN PARENT

NEW SECTION

WAC 388-486-0005 Unmarried pregnant or parenting minors—Required living arrangement. (1) This rule affects only the minor's eligibility for cash assistance. It does not affect the eligibility of the minor parent's child for a cash grant.

(2) The following definitions apply to terms used in this section:

(a) "**Unmarried**" means a person who have never been married or whose marriage has been annulled. It does not include a person who has been divorced or widowed.

(b) "**Minor**" means a person younger than eighteen years of age.

(c) "**Legal guardian**" means a court-appointed legal guardian or court-appointed permanent custodian.

(d) "**Relative**" is a person who related to the pregnant or parenting minor as defined under RCW 74.15.020(4).

(3) An unmarried pregnant or parenting minor is not eligible for TANF, SFA or GA-S unless he or she:

- (a) Has been emancipated by a court; or
- (b) Lives in a home approved by the department and has a protective payee.

(4) The home of a minor's parent, legal guardian, or adult relative may be approved unless:

(a) The minor has no living parent, legal guardian, or adult relative that can be located or those persons do not want the minor to live with them;

(b) The minor or the minor's child is being or has been seriously harmed either physically, emotionally or sexually in the home of the parent, legal guardian, or adult relative;

(c) Substantial evidence exists of an act or failure to act by the parent, legal guardian, or adult relative that presents imminent or serious harm to the minor or the minor's child if they lived there; or

(d) The department determines that it is in the best interest of the minor or the minor's child to waive the requirement of living in the home of a parent, legal guardian, or adult relative.

(5) If the home of a minor's parent, legal guardian, or adult relative is not available or suitable, one of the following alternatives may be approved:

(a) A facility or home licensed under chapter 74.15 RCW that provides a supportive and supervised living arrangement requiring residents to learn parenting skills;

(b) A maternity home;

(c) Other adult-supervised living arrangement; or

(d) The minor's current or proposed living arrangement, if the department determines it is appropriate.

(6) A home that includes the other natural parent of the minor's child or unborn child is never approved if:

(a) The minor is under age sixteen; and

(b) The other parent is eighteen or older and meets the age criteria for rape of a child as set forth in RCW 9A.44.073, 9A.44.076, and 9A.44.079.

(7) The income of a minor parent found ineligible under this section is treated according to chapter 388-450 WAC when determining the eligibility and benefit level of the minor parent's child.

NEW SECTION

WAC 388-486-0010 Unmarried pregnant or parenting minors—Required school attendance. (1) This rule affects only the minor's eligibility for cash assistance. It does not affect the eligibility of the minor parent's child for a cash grant.

(2) To be eligible for TANF or SFA, an unmarried pregnant or parenting minor who has not completed high school

or a general equivalency diploma (GED) program must participate in educational activities leading to the attainment of a high school diploma or GED.

(3) The minor must meet the standard for satisfactory attendance set by the school or program in which the minor is enrolled.

(4) An unmarried minor is exempt from this rule if the minor has:

- (a) Been emancipated by a court; or
- (b) A child who is less than twelve weeks old.

(5) The income of a minor parent found ineligible under this section is treated according to chapter 388-450 WAC when determining the eligibility and benefit level of the minor parent's child.

Chapter 388-488 WAC

TRANSFER OF PROPERTY

NEW SECTION

WAC 388-488-0005 Transfer of property to qualify for cash assistance. This rule applies to cash assistance programs. For transfer of property for institutional medical see WAC 388-515-1365.

(1) An assistance unit is disqualified from receiving benefits when it transferred or transfers real or personal property for less than its market value in an attempt to qualify for benefits:

- (a) Two years prior to the date of application;
- (b) During the application process; or
- (c) Anytime while receiving benefits.

(2) When an assistance unit transferred property for less than its market value in an attempt to qualify for benefits, the disqualification period:

- (a) For applicants, begins the first day of the month the property was transferred.
- (b) For recipients, begins the first day of the month after the month the property was transferred.

(3) To determine the number of months an assistance unit will be disqualified, divide the uncompensated resource value of the transferred property by the state gross median income, as specified by WAC-Standards. The uncompensated resource value is the equity value minus the amount the client received when transferring a resource.

(4) An assistance unit can provide evidence to clarify the reasons for transferring the property when the department presumes that the assistance unit transferred the property in an attempt to qualify for benefits.

(5) Separate property transferred by a spouse, who is not receiving cash assistance benefits, does not affect the benefits of the assistance unit.

NEW SECTION

WAC 388-488-0010 Transfer of property to qualify for food assistance. (1) An assistance unit is disqualified from the program when it transfers a resource to qualify or attempt to qualify for benefits:

- (a) Three months prior to the month of application; or

(b) Beginning the month the household is approved for benefits.

(2) The length of disqualification depends on the dollar amount the household is over the resource limit. The countable resources transferred are added to the assistance unit's other countable resources. This total is compared to the resource limit. The amount in excess of the resource limit is located on the chart below to determine the length of the disqualification period.

Amount Over the Resource Limit	Disqualification Period
\$ 0 - \$ 249.99	1 month
250 - 999.99	3 months
1,000 - 2,999.99	6 months
3,000 - 4,999.99	9 months
5,000 and over	12 months

(3) The disqualification period begins:

- (a) For applicants, the month of application; or
- (b) For recipients, the first of the month after the advance notice period expires.

(4) An assistance unit will not be disqualified for transferring the following:

- (a) Excluded resources that do not affect eligibility;
- (b) Resources sold or traded at or near fair market value (FMV);
- (c) Resources transferred between assistance unit members of the same household including ineligible household members; and
- (d) Resources transferred for reasons other than to qualify for benefits.

Chapter 388-490 WAC

VERIFICATION

NEW SECTION

WAC 388-490-0005 Documents or information needed to determine eligibility. The department requires clients to provide documents or information to establish the accuracy of a client's circumstances or statements. This is called mandatory verification and varies by program. The following requirements are for cash, food assistance and medical unless otherwise specified.

(1) A client has primary responsibility for providing information and verification.

(2) Time frames and notice requirements for requested information are stated in:

- (a) WAC 388-406-0035 for applicants; and
- (b) WAC 388-418-0010 for recipients.

(3) The department requests verification from clients when it is needed to determine eligibility.

(4) The department accepts readily available verification that reasonably supports the client's statement or circumstances. Readily available means verification that can be obtained by the client within three working days.

PROPOSED

(5) A client's signature on the application, eligibility review, or change of circumstance form gives the department consent to obtain supporting evidence from the following sources:

(a) A collateral contact. A collateral contact is an oral or written statement from someone outside of the assistance unit that confirms a client's circumstances; or

(b) A home visit.

(6) When a client is required to provide a document that requires a fee, the department pays the fee not the client.

(7) A client's benefits are not denied, terminated or delayed because of a failure to provide a specific type or form of verification.

(8) If all requested verification is not received, a client's eligibility is determined based on all available evidence.

(9) If eligibility cannot be determined from the available evidence that was provided, the client's benefits are denied or terminated.

(10) When verification was provided before and the document is not subject to change, a client is not required to provide it again. This applies when the department determines eligibility at:

(a) The next application;

(b) Reinstatement of a program; or

(c) Redetermination of eligibility.

AMENDATORY SECTION (Amending WSR 90-12-061, filed 5/31/90, effective 7/1/90)

WAC 388-86-027 (~~Early and periodic screening, diagnosis and treatment of eligible individuals twenty years of age and younger~~) **Healthy kids/EPSTD.** (1) (~~To the extent provided under these rules, the department shall make available to Medicaid recipients twenty years of age and younger, early and periodic screening and diagnosis and treatment (EPSTD)~~) Persons who are eligible for Medicaid are eligible for healthy kids (HK) coverage up through the day before their twenty-first birthday. This coverage is called early and periodic screening, diagnosis and treatment (EPSTD) in federal rule.

(2) (~~Early and periodic screening and diagnosis shall be provided at intervals:~~

(a) ~~Meeting reasonable standards of dental and medical practice as determined by the division of medical assistance; and~~

(b) ~~When indicated as medically necessary to determine the existence of a suspected physical or mental illness or condition~~) Access and services for healthy kids are governed by federal rules at 42 CFR, Part 441, Subpart B which were in effect as of January 1, 1998.

(a) Services not typically covered under the Medicaid program but which are available to children under healthy kids are: Chiropractic care, and orthodontics.

(b) The following services are subject to prior authorization requirements but not other program limits: Psychologist services, when provided by a community mental health center; services to treat speech, hearing and language disorders; preventive services; and rehabilitative services.

(3) (~~In obtaining EPSTD services, the recipient shall be free to choose from participating providers.~~

(4) ~~The following services are included in the program:~~

(a) ~~Screening by providers of screening services authorized by the division of medical assistance to provide screening. The screening services shall, at a minimum, include:~~

(i) ~~A comprehensive health and developmental history;~~

(ii) ~~An assessment of physical and mental health development and nutritional status;~~

(iii) ~~A comprehensive unclothed physical exam;~~

(iv) ~~Appropriate immunizations according to age and health history;~~

(v) ~~Laboratory tests, including lead blood level assessment appropriate for age and risk factors; and~~

(vi) ~~Health education, including anticipatory guidance.~~

(b) ~~Vision services which shall, at a minimum, include diagnosis and treatment for defects in vision, including eye-glasses;~~

(c) ~~Dental services which shall, at a minimum, include relief of pain and infections, restoration of teeth, and dental health maintenance;~~

(d) ~~Hearing services which shall, at a minimum, include diagnosis and treatment for defects in hearing, including hearing aids; and~~

(e) ~~Other medically necessary health care, diagnostic services, treatment, and other measures provided under Medicaid program, to correct or ameliorate defects and physical and mental illnesses and conditions the screening services discover. In addition, the department shall provide any of the following services, provided the screening services provider determines the necessity for such services during an EPSTD screening process:~~

(i) ~~Occupational therapy;~~

(ii) ~~Nutritional counseling; and~~

(iii) ~~Chiropractic services.~~

(5) ~~EPSTD services are subject to utilization controls as the department may impose.~~

(6) ~~See WAC 388-86-005 and 388-86-020 for limitations of the dental program, WAC 388-86-030 for eyeglasses and examinations, and WAC 388-86-040 for management of hearing defects~~) Transportation requirements of 42 CFR 441, Subpart B are met through a contract with transportation brokers throughout the state.

AMENDATORY SECTION (Amending WSR 97-03-038, filed 1/9/97, effective 2/9/97)

WAC 388-501-0135 Patient requiring regulation. (1) (~~The department shall operate a~~) Patient requiring regulation (PRR) (~~program to identify a client overutilizing, unnecessarily, or inappropriately obtaining medical care under the federally funded and state-funded medical programs. The department may restrict such a client to a single primary care provider and pharmacy for medical care.~~

(2) The purpose of the PRR program shall be to:

(a) Protect the client's health and safety;

(b) Provide continuity of medical care;

(c) Avoid duplication of services by providers;

(d) Avoid excessive, contraindicated, or potentially harmful use of prescription medications.

(3) For the purposes of this section, "primary care provider (PCP)" means a provider who has responsibility for

supervising, coordinating and providing initial and primary care to clients, initiating referrals for specialist care, and maintaining the continuity of patient care. A PCP shall be either:

(a) A physician who meets the criteria under WAC 388-87-007;

(b) An advanced registered nurse practitioner (ARNP) who meets the criteria under WAC 388-87-007; or

(c) A licensed physician assistant, practicing with a sponsoring or supervising physician.

(4) For a client not enrolled in a department contracted managed care plan, the department shall designate staff to determine the client's overuse, inappropriate, or unnecessary usage of medical care by reviewing medical assistance administration (MAA) payment records and other medical information.

(5) For a client enrolled in a department contracted managed care plan, the department shall designate staff to evaluate the medical records and other documents provided by the client's managed care plan to determine the client's inappropriate or unnecessary use of medical care.

(6) When a client has been enrolled in more than one managed care plan during the review period, the department shall obtain and evaluate the client's medical records and other documents from all department contracted managed care plan(s) in which the client is or has been enrolled during the review period.

(7) The department shall use medical review guidelines established by nurse advisors, physicians, pharmacy consultants, and other reference sources.

(8) The department shall consider the following levels of utilization during a period of three consecutive months or less as medical review guidelines for the PRR program:

(a) Repeated and documented efforts by the client to seek medically unnecessary health services, including but not limited to prescription medication, after having been counseled at least once by a health care provider or managed care plan representative concerning appropriate utilization of health care services;

(b) Services from four different physicians;

(c) Prescriptions from four different pharmacies;

(d) Ten prescriptions received;

(e) Two emergency room visits; or

(f) Four prescribers.

(9) The department shall notify the client in writing that the client is assigned to PRR, when the medical review indicates the client overuses medical services, or uses medical services inappropriately or unnecessarily as determined by the department's review of the client's:

(a) Medical records and other documents which indicate the client's use of medical services meets the criteria in subsection (8)(a) of this section or meets or exceeds three of the five guidelines under subsections (8)(b) through (f) of this section; and

(b) Diagnoses, the history of services provided or other medical information supplied by the health care provider or managed care plan.

(10) The department shall notify the client of the right to:

(a) A fair hearing as required under chapter 388-08 WAC; and

(b) Continue as unrestricted when a fair hearing is requested in a timely manner.

(11) A client shall respond to the department's notice within twenty calendar days by:

(a) Writing or calling the PRR representative identified in the notice;

(b) Requesting a fair hearing;

(c) Selecting a PCP and pharmacy. For a client enrolled with a department contracted managed care plan, the client must select a PCP and pharmacy from those identified as available within their managed care plan;

(d) Requesting assistance in selecting a PCP and pharmacy; or

(e) Submitting additional medical information.

(12) The department shall assign a PCP and pharmacy for any client who fails to select a PCP and pharmacy within twenty calendar days, unless the client requests a fair hearing. The selected or assigned PCP and pharmacy shall be:

(a) Located in the client's local geographic area; or

(b) Reasonably accessible to the client.

(13) The client shall not change PCP or pharmacy for twelve months except when the:

(a) Client moves to a new residence outside the designated geographic area of the providers;

(b) PCP or pharmacy moves from the client's geographical area;

(c) PCP or pharmacy refuses to continue as the designated provider;

(d) A client may change, once within the initial sixty days, the PCP and pharmacy assigned by the department under subsection (12) of this section. For a client enrolled with a department contracted managed care plan, the client must select a PCP and pharmacy from those identified as available within their managed care plan;

(e) PCP or pharmacy no longer participates in a department contracted managed care plan;

(f) PCP is no longer contracted with the client's managed care plan. The client shall have the option of:

(i) Selecting a new PCP from the list of available PCPs provided by the plan; or

(ii) Transferring enrollment of all family members to the new department contracted plan which the established PCP has joined.

(g) Client chooses a new plan during an open enrollment period which occurs in the twenty-four month restriction period.

(14) For a client enrolled in the PRR program, the department shall:

(a) Assign a client to the program for a period of twenty-four months;

(b) Review the client's utilization at the end of the twenty-four month period;

(c) Continue the client in the PRR program when the client continues to meet the criterion in subsection (8)(a) of this section or meet or exceed three of the five criteria in subsection (8)(b) through (f) of this section;

(d) Review continuation of the client in the PRR program at least every twelve months thereafter; and

~~(e) Allow the client the opportunity to change PCP or pharmacy after twelve months; except as allowed under subsection (13)(d) of this subsection.~~

~~(15) When the department designates a PCP and pharmacy for the client, the department shall issue a medical identification card identifying the client as a patient requiring regulation.~~

~~(16) When an emergency occurs as defined under WAC 388-500-0005, a provider other than the selected PCP may see the client.~~

~~(17) The PCP may refer the client to a specialist.~~

~~(18) For a client not enrolled in a department-contracted managed care plan, the department shall only pay for MAA-covered services authorized by the PCP, referred specialist, selected pharmacy, and those services specified in subsections (16) and (20) of this section.~~

~~(19) The client shall be responsible for payment of covered services not authorized by the PCP, referred specialists or selected pharmacist with the exception of services described under subsections (16) and (20) of this section.~~

~~(20) A client assigned to the PRR program may self-refer for family planning services.~~

~~(21) A client may self-refer to women's health care services. For a client enrolled with a department-contracted plan, the client must self-refer within the plan network)) is a health and safety program for clients needing help in the appropriate use of medical services. A client in PRR is restricted to one primary care provider (PCP) and one pharmacy. Enrollment in the PRR program is for twenty-four months.~~

~~(2) Any client of the department's medical programs is reviewed for assignment to PRR if any three of the following conditions have been met or exceeded in a ninety-day period. The client:~~

~~(a) Received services from four different physicians; or~~
~~(b) Had prescriptions filled by four different pharmacies;~~

or

~~(c) Received ten prescriptions; or~~

or

~~(d) Had prescriptions filled by four different prescribers;~~

~~(e) Used two emergency room (ER) visits.~~

~~(3) If conditions in subsection (2) are met, then a client's use of medical services is reviewed by the department with respect to the medical conditions being treated. The review is done by a nurse consultant, physician, or other qualified medical staff.~~

~~(4) A client is assigned to the PRR program after medical review if the client uses services which are not appropriate or medically necessary. An example of "inappropriate" use is using the emergency room frequently for non-emergent conditions.~~

~~(5) A client is assigned to PRR, if after being counseled by a health care provider at least once on appropriate use of services, the client continues to obtain unnecessary medical services.~~

~~(6) A client receives written notice from the medical assistance administration (MAA) when assigned to PRR. The notice:~~

~~(a) Asks the client to select a primary care provider and one pharmacy; and~~

~~(b) Notifies the client of their right to request a fair hearing within ninety days; and~~

~~(c) Requires the client to respond within twenty days.~~

~~(7) A client must respond to MAA within twenty days of that written notice by:~~

~~(a) Selecting a primary care provider and pharmacy; or~~

~~(b) Submitting additional medical information, which justifies use of medical services; or~~

~~(c) Writing or calling the PRR representative identified in the PRR notice to request assistance; or~~

~~(d) Requesting a fair hearing.~~

~~(8) A PRR client who does not select a qualified PCP and pharmacy or request a fair hearing within twenty days, will have those providers assigned to the client by the department or by the client's plan. A PRR client may change the assigned PCP and pharmacy once within the initial sixty days. The assigned providers will be:~~

~~(a) Located in the client's local geographic area; and~~

~~(b) Reasonably accessible to the client.~~

~~(9) When a PRR client chooses or the department assigns a PCP and pharmacy, the PCP and pharmacy requirements are:~~

~~(a) A PCP supervises and coordinates medical care for the client. The PCP makes referrals for specialist care and provides continuity of care. A PCP shall be:~~

~~(i) A physician who meets the criteria under WAC 388-007; or~~

~~(ii) An advanced registered nurse practitioner (ARNP) who meets criteria under WAC 388-87-007; or~~

~~(iii) A licensed physician assistant, practicing with a sponsoring supervising physician; or~~

~~(iv) A contracted HO PCP.~~

~~(b) A single pharmacy fills all prescriptions for the client. A chosen pharmacy must be contracted with MAA. For HO clients, the pharmacy must be contracted with the client's managed care plan.~~

~~(10) When a client requests a fair hearing to contest their PRR assignment, they remain assigned to PRR until a fair hearing is completed. If the fair hearing is requested prior to assignment, the client will not be assigned a PCP and pharmacy pending the outcome of the hearing.~~

~~(11) The client's medical assistance identification card (MAID) will be marked in the "restricted" column when enrolled in the PRR Program.~~

~~(12) A client in PRR cannot change their PCP or pharmacy for twelve months except when the:~~

~~(a) Client changes to a residence outside the provider's geographic area; or~~

~~(b) PCP or pharmacy moves out of the client's geographical area; or~~

~~(c) PCP or pharmacy refuses to continue as the client's provider.~~

~~(13) A PRR client enrolled in a managed care plan must select a PCP and pharmacy from those identified as available within their plan. A client may change a provider if the:~~

~~(a) Chosen or assigned PCP or pharmacy no longer participates with their plan. The client may:~~

~~(i) Select a new PCP from the list of available PCPs provided by the plan; or~~

PROPOSED

(ii) Transfer enrollment of all family members to the new department-contracted plan which the established PCP has joined.

(b) Client chooses a new plan during an open enrollment period, which occurs during the twenty-four-month restriction period.

(14) After twenty-four months, a PRR client's use of services is reviewed. A client is removed from PRR if the billing records show the care received is reasonable and appropriate. A client is removed from PRR when the PCP reports the services requested and received were reasonable and appropriate.

(15) The client continues to be in PRR for an additional twelve months if:

(a) The billing record continues to substantiate inappropriate use of services; or

(b) The PCP reports continued requests for unnecessary medical care.

After that twelve-period, the client is reviewed again.

(16) The PRR client is responsible for payment of covered services not listed below or not authorized by the PCP or plan, referred specialists, or selected pharmacist. MAA or the managed care plan will pay for only those services authorized by the PCP-referred specialist or pharmacist. However, services that do not need to be authorized and will be paid for by MAA and/or the managed care plan are:

(a) Treatment for emergencies; or

(b) Family planning services; or

(c) Women's health care services, except that a client enrolled with an HO plan must self-refer within their plan's network.

AMENDATORY SECTION (Amending WSR 97-04-005, filed 1/24/97, effective 2/24/97)

WAC 388-505-0540 Assignment of ((medical support)) rights and cooperation. (1) ((As a condition of eligibility)) When a person becomes eligible for any of the department's medical programs, ((a client shall assign)) they make assignment of certain rights to the state of Washington ((all right, title, and interest)). This assignment includes all rights to any type of coverage or payment for medical care ((support available as a result of)) which results from:

(a) A court order; or

(b) An administrative agency order; or

(c) Any third-party benefits or payment((s)) obligations for medical care which are the result of subrogation or contract (see WAC 388-87-020).

(2) ((When payments for covered services have been made under medical care programs under chapter 74.09 RCW, or under a contract between a managed health care plan and the department under RCW 74.09.522, for health care items or services furnished to an eligible client, if a third party has a legal or contractual liability to make payments, the state acquires the rights of the client to payment from any other party for those health care items or services:

(3) The client shall assign rights of payment to any medical care support the client may have in the client's own behalf or on the behalf of any other client for whom the client can legally assign such rights.

(4) As assignee of the eligible client's right to receive medical support payments, the department may sign coordination of benefit forms or other forms, as necessary, to ensure the efficient and proper payment of medical care support)) Subrogation is a legal term which describes the method by which the state acquires the rights of a client for whom or to whom the state has paid benefits. The subrogation rights of the state are limited to the recovery of its own costs.

(3) The person who signs the application makes the assignment of rights to the state. Assignment is made on their own behalf and on behalf of any eligible person for whom they can legally make such assignment.

(4) A person must cooperate with the department in the identification, use or collection of third-party benefits. Failure to cooperate results in a termination of eligibility for the responsible person. The following clients are exempt from termination of eligibility for noncooperation:

(a) A pregnant woman, and

(b) Minor children, and

(c) A person who has been determined to have "good cause" for noncooperation (see WAC 388-422-0015).

(5) A person will not lose eligibility for medical assistance programs due solely to the noncooperation of any third party.

(6) A person will be responsible for the costs of otherwise covered medical services if:

(a) The person received and kept the third-party payment for those services; or

(b) The person refused to provide to the provider of care their legal signature on insurance forms.

AMENDATORY SECTION (Amending WSR 95-18-046, filed 8/29/95, effective 9/1/95)

WAC 388-538-060 ((Eligible client)) Healthy options eligibility and choice. (1) ((The department shall require)) A client((, eligible for certain designated medical program categories, to)) is enrolled in the department's "healthy options" (HO) managed care when ((the)) that client ((resides in the contracted managed care service area, except as provided in WAC 388-538-080.

(2) The department shall assign a client to a plan or a PCCM provider when the client does not choose a plan or PCCM.

(3) The department shall enroll an));

(a) Is eligible for one of the categorically needy (CN) programs subject to mandatory enrollment as determined by the department;

(b) Resides in one of the department's contracted managed care service areas;

(c) Is not exempted by the department per WAC 388-538-080; or

(d) Is not removed from HO enrollment by the department per WAC 388-538-130.

(2) Indian((, as defined under))s are those individuals meeting the provisions of 25 U.S.C. 1603 (c)-(d)((, in a plan when such plan includes an Indian health service direct care clinic, a tribally operated clinic, or urban Indian health center and the Indian resides in the plan service area. If an Indian

selects another plan or requests an exemption, this subsection shall not apply.

(4) The department shall not enroll Medicare beneficiaries in managed care)) as of April 30, 1998 (printed format available from the Government Printing Office, Washington, DC). They have the following options:

(a) Enrolling with an HO plan, which includes an Indian health service direct-care clinic, a clinic operated by a tribe, or an urban Indian health center; or

(b) Voluntarily selecting another HO plan; or

(c) Requesting an exemption from enrollment in managed care based solely on their status as an Indian.

(3) A client who is a Medicare beneficiary is not currently eligible to enroll in HO.

(4) If the client does not choose a HO plan, the department assigns the client to a HO plan in the client's area.

(5) If the client does not choose a primary care provider (PCP), the plan assigns the client a PCP.

(6) A client may change their PCP once a year for any reason. For more frequent PCP changes, the client must notify the plan of the request and the reason. If the plan denies the change, the client may appeal to the plan or ask the department for a fair hearing.

AMENDATORY SECTION (Amending WSR 96-24-074, filed 12/2/96, effective 1/1/97)

WAC 388-538-080 Healthy options managed care exemptions. (1) ((The department shall not require a)) Only a client ((to enroll in managed care when:

(a) (i) According to objective medical evidence, a client has multiple, complex medical diagnoses or a severe, complex manifestation of a single medical diagnosis; and

(A) The client is currently receiving care under a written treatment plan;

(B) The treatment plan requires frequent modification or monitoring due to the nature of the client's health condition;

(C) The client's health care provider is not affiliated with an available managed care plan; and

(D) Disruption of care currently being received would adversely affect the client's health condition; or

(ii) Prior to enrollment, the client has a surgical procedure scheduled to occur in the next thirty calendar days with a health care provider who is not affiliated with an available managed care plan;

(b) The client is an Indian, as defined under 25 U.S.C. 1603 (c) (d); or

(c) Medically necessary care is not reasonably available and accessible under managed care offered to the client.

(2) The department shall consider, on a case-by-case basis, medically necessary care not reasonably available and accessible when:

(a) The limited English speaking or hearing impaired client can communicate in the client's primary language with a health care provider not participating in a plan or under PCCM;

(b)(i) The distance is over twenty-five miles one-way or travel time is greater than forty-five minutes one-way to the nearest primary care provider who is in managed care and

accepting clients and the client's current primary health care provider is located closer to the client; or

(ii) Other transportation difficulties make it unreasonably difficult for a client to obtain primary medical care under managed care;

(e) The client is homeless or is expected to reside in temporary housing or a shelter for less than one hundred and twenty days from date the client requests an exemption;

(d)(i) Before enrollment, a pregnant woman has started prenatal care with an obstetrical provider who is not available under managed care; or

(ii) In order for a pregnant woman to continue her established course of prenatal care with an obstetrical provider who is no longer affiliated with any available managed care plan;

(e) The client's circumstances, as evaluated by the department with available information, support the client's claim that medically necessary care is not reasonably available and accessible under managed care as offered to the client.

(3) A client or a)) or their representative((, as authorized under)) (RCW 7.70.065((, or other provision of law, shall make a))) may request ((in writing or by telephone to the department to be exempted from enrolling in managed care. The department shall timely notify the client by telephone or in writing of an adverse)) an exemption ((decision and the reasons therefor before enrolling the client in managed care. If the department denies the request for exemption, the department shall provide notice containing the following information before enrolling the client in managed care:

(a) Action the department intends to take;

(b) Reasons for the intended action;

(c) The specific rule or regulation supporting the action;

(d) Client's right to request a fair hearing, including the circumstances under which the fee-for-service status is continuing, if a hearing is requested; and

(e) Full translation into the primary language of the limited English proficient recipient.

(4) The client shall remain exempted until a decision is made on the exemption request by the department. A client who is dissatisfied with the exemption decision has the right to an adjudicative hearing (fair hearing) as described under WAC 388-526-2610.

(5) If an exemption is authorized as a result of a time-limited circumstance, the department may limit the time period for which the exemption is granted to the period of time that the circumstance is expected to continue.

(6) The department may offer a client who qualifies for an exemption the option to participate in PCCM with a contracted PCCM provider of the client's choice)) from enrollment to a healthy options (HO) plan. "Exemption" means the client is excused from mandatory enrollment when they have not yet enrolled with or been assigned to a HO plan. When a client asks for an exemption, they are not enrolled until the department approves or denies the request or a fair hearing is held.

(2) A client is exempted from mandatory enrollment in HO if:

(a) Based on the department's evaluation of objective medical evidence, all of the following are met:

PROPOSED

PROPOSED

- (i) The client has multiple, complex, or severe medical diagnoses; and
- (ii) The client's established provider is not with any available managed care plan; and
- (iii) There is a written treatment plan; and
- (iv) The treatment plan requires frequent change or monitoring; and
- (v) Disruption of client's care would be harmful; or
- (b) Prior to enrollment, the client scheduled a surgery with a provider not in the client's current managed care plan and the surgery is scheduled within the first thirty days of enrollment; or
- (c) The client is an Indian as specified in WAC 388-538-060(2) and requests exemption; or
- (d) On a case-by-case basis, the client presents evidence that the HO program does not provide medically necessary care which is reasonably available and accessible. Medically necessary care is not considered reasonably available and accessible when the client:
 - (i) Is homeless or is expected to live in temporary housing for less than one hundred twenty days from the date the client requests the exemption; or
 - (ii) Is limited English speaking or hearing impaired, and the client has a provider not in an HO plan who can communicate in the client's language; or
 - (iii) Shows that travel to a Medicaid HO provider is unreasonable when compared to travel to a non-HO Medicaid provider. This can be shown when the client has:
 - (A) To travel over twenty-five miles one-way to the nearest managed care PCP and the current PCP is closer and not in an available managed care plan; or
 - (B) A travel time of over forty-five minutes one-way to the nearest managed care PCP, when the travel time to the current PCP, who is not in an available managed care plan, is less; or
 - (C) Other transportation difficulties making it unreasonable to get primary medical services under managed care; or
 - (iv) Is pregnant and started prenatal care with an obstetrical provider before the client's enrollment in HO and the obstetrical provider is not currently a HO contracted provider; or
 - (v) Presents evidence that exemption is appropriate based on their circumstances, as evaluated by the department.
- (3) The client's period of exemption is limited by the department to the time period the circumstances or conditions that caused the exemption are expected to exist.
- (4) The client is timely notified by telephone or in writing when their request is denied. The department's reasons for the denial are given before the client is enrolled in HO. The notice to the client contains:
 - (a) The action the department intends to take;
 - (b) The reasons for the intended action;
 - (c) The specific rule or regulation supporting the action;
 - (d) The client's right to request a fair hearing, including the circumstances under which the fee-for-service status is continuing, if a hearing is requested; and
 - (e) A full translation into the client's primary language when the client has limited English proficiency.

AMENDATORY SECTION (Amending WSR 95-18-046, filed 8/29/95, effective 9/1/95)

WAC 388-538-095 ((Medical services)) **Healthy options scope of care.** ((The department shall pay separately, on a fee-for-service basis, only for medical services covered under the department's medical care programs that a managed care contract does not cover)) A client in the healthy options (HO) managed care program is eligible for the categorically needy scope of medical care as described in WAC 388-529-0100. Those covered services not provided by the HO contracted plan are provided through the department's fee-for-service systems.

AMENDATORY SECTION (Amending WSR 95-18-046, filed 8/29/95, effective 9/1/95)

WAC 388-538-130 ((**Enrollment termination and disenrollments**)) **Removal of client from healthy options.** (1) Only the department has authority to remove a client from the healthy options (HO) program, but requests for removal can be made by the client, their representative as defined in RCW 7.70.065, or by the client's HO plan. Pending the department's final decision, the client remains enrolled unless staying in HO managed care would harm the client.

(2) The department may ((terminate)) remove a client from enrollment ((of a client in managed care)) in HO when ((a)) the client:

(a) ((Client loses eligibility)) Is no longer eligible for a medical ((eligibility category which requires)) program subject to enrollment; or

(b) ((Client)) Requests to be removed from HO, and the department approves ((disenrollment under the conditions for granting exemptions under)) according to the same criteria given in WAC 388-538-080 (Exemption); or

(c) ((Client requests disenrollment and is an Indian, as defined under 25 U.S.C. 1603 (e) (d); or

(d) Client)) Is a Medicare beneficiary.

((2) When a client requests disenrollment under subsection (1)(b) of this section, the client shall remain enrolled in managed care until the decision is made on the disenrollment request unless continuing in managed care pending the decision would adversely affect the client's health status:))

(3) ((Managed care contractors may request a client be disenrolled if the managed care contractor establishes, in writing, to the department's satisfaction that)) **The department may remove a client from HO plan enrollment when the client's HO plan substantiates that:**

(a) The client's behavior is inconsistent with the ((managed care contractor's)) HO plan's rules and regulations, such as intentional misconduct; and

(b) After medical review and treatment interventions, the behavior ((is such that it has become medically infeasible to safely or prudently)) continues to obstruct the plan's ability to provide the client with safe and prudent medical care; and

(c) ((The managed care contractor has offered to the client, in writing, the opportunity to utilize the grievance procedure described in WAC 388-538-110, unless the client's conduct presents the threat of imminent harm to others.

~~(4) When a managed care contractor makes a request to disenroll a client as described in subsection (3) of this section, the client shall not be disenrolled until the department approves the contractor's request. The department shall make a decision on the request within thirty days from the day of receipt of the request after contacting the client, if possible, to learn the client's perspective. The department shall notify the client ten days in advance of the effective date of disenrollment.~~

~~(5) Managed care contractors shall not request disenrollment of a client solely due to an adverse change in the client's health or the cost of meeting the client's health care needs)) The client received written notice from their HO plan of the plan's intent to request the client's removal. The requirement that the plan notify the client is waived if the client's conduct presents the threat of imminent harm to others. The plan's notice to the client must include the client's right to appeal the plan's request and department fair hearing rights.~~

~~(4) Within thirty days of receiving the plan request to remove a client from HO enrollment, a decision is made by the department. If the plan's request to remove the client from HO enrollment is approved, the department will give the client advance notice (ten days in advance of the effective date of the removal).~~

~~(5) An HO plan's request to remove a client from HO enrollment will not be approved when it is solely due to an adverse change in the client's health or cost of the client's care.~~

NEW SECTION

WAC 388-503-0505 General eligibility requirements for medical programs. (1) Persons applying for benefits under the medical coverage programs established under chapter 74.09 RCW must meet the eligibility criteria established by the department of social and health services.

(2) Unless specifically waived, the eligibility criteria for each medical program are as follows:

- (a) Proof of age and identity; and
- (b) Residence in Washington state; and
- (c) Citizenship or immigration status in the United States; and
- (d) Possession of a valid Social Security Account Number; and
- (e) Assignment of medical support rights to the state of Washington; and
- (f) Cooperation in securing medical support; and
- (g) Resources which are within program limits; and
- (h) Income which are within program limits.

(3) In addition to the general eligibility requirements, each program has additional special eligibility requirements as described in applicable WAC.

NEW SECTION

WAC 388-503-0510 How a client is determined "related to" a categorical program. (1) A person is related to the Supplemental Security Income program if they are aged, blind or disabled as described in WAC 388-511-1105.

(2) A person or family is considered to be related to the temporary assistance for needy families (TANF) if they meet the program requirements for the TANF cash assistance program, with the following exceptions:

- (a) The family income exceeds the cash program standards in WAC 388-478-0020; or
- (b) The family's resources exceed the cash program standards in WAC 388-470-0005.

NEW SECTION

WAC 388-503-0515 Medical coverage resulting from a cash grant. (1) Families or individuals eligible for SSI, SSI state supplement or TANF cash grants are automatically eligible for CN medical coverage. These clients receive medical coverage benefits without making a separate application. Certification for medical coverage parallels that for the cash benefits.

(2) Upon termination of cash benefits, medical coverage continues until the client's eligibility for other medical coverage can be completed. Continuing medical coverage is terminated if the client does not cooperate with the eligibility re-determination process.

NEW SECTION

WAC 388-503-0520 Medical eligibility resulting from TANF eligibility. (1) Children who are eligible for or receiving TANF benefits are automatically eligible for CN medical coverage.

(2) Adults in an assistance unit which is eligible for or receiving TANF benefits must meet other program requirements to be or remain eligible for CN medical coverage.

(3) Children and other members of their families who are "related" to the TANF program under WAC 388-503-0510 are eligible for CN medical-only or MN medical coverage if they meet the specific program eligibility requirements of those programs.

NEW SECTION

WAC 388-505-0110 Medical assistance coverage for adults who cannot be covered under family medical programs. (1) An adult is eligible for categorically needy (CN) coverage when the person:

- (a) Meets citizenship, residency, and Social Security number requirements as described in WAC 388-503-0505; and
- (b) Has income and resources that do not exceed the household income and resource standards in WAC 388-478-0080; and
- (c) Is sixty-five years of age or older, or meets the blind and/or disability criteria of the federal SSI program.

(2) An adult is eligible for medically needy (MN) coverage when the person:

- (a) Meets citizenship, residency, and Social Security number requirements as described in WAC 388-503-0505; and
- (b) Has income that does not exceed the household income standards in WAC 388-478-0070, or meets the excess

PROPOSED

income spenddown requirements in WAC 388-519-0110; and

(c) Meets the resource standards in WAC 388-478-0070; and

(d) Is sixty-five years of age or older or meets the blind and/or disability criteria of the federal SSI program.

(3) An adult may be eligible for the alien emergency medical program as described in WAC 388-438-0110.

(4) An adult is eligible for the state-funded general assistance - expedited Medicaid disability (GA-X) program when they meet the requirements of the cash program in WAC 388-478-0030.

(5) An adult is eligible for the state-funded medical care services (MCS) program when the person is eligible for GAU or ADATSA program coverage as discussed in WAC 388-478-0030.

(6) An adult is eligible for the state-funded medical indigent (MI) program when the person meets the requirements listed in WAC 388-438-0100.

Chapter 388-505 WAC

FAMILY MEDICAL

NEW SECTION

WAC 388-505-0210 Children's Medicaid eligibility.

(1) A newborn child is eligible for newborn categorically needy (CN) children's medical assistance when:

(a) The child's mother, was eligible for and receiving medical assistance at the time of the child's birth; and

(b) The child is under one year of age; and

(c) The child remains with the mother and resides in the state.

(2) Children under the age of nineteen are eligible for CN medical assistance when they:

(a) Meet the requirements of:

(i) Citizenship as described in chapter 388-424 WAC; and

(ii) State residence as described in chapter 388-468 WAC; and

(iii) Social security number as described in chapter 388-476 WAC; and

(b) Meet family income levels described in WAC 388-478-0075.

(3) Children under the age of twenty-one are eligible for CN medical assistance when they:

(a) Meet citizenship, state residence, and social security number requirements as described in subsection (2)(a) of this section; and

(b) Meet income levels described in WAC 388-478-0075; and

(c) Fall within the parental responsibility requirements described in WAC 388-408-0055; and

(d) Reside in an institution (medical hospital or nursing home facility) for more than thirty days; or

(e) Reside in a psychiatric facility as described in WAC 388-513-1315.

(4) Children under the age of nineteen are eligible for Medically Needy (MN) medical assistance when they:

(a) Meet citizenship, state residence and social security number requirements as described in subsection (2)(a); and

(b) Have income at or above the income levels described in WAC 388-478-0070.

(5) Children under the age of eighteen are eligible for the state funded children's health program, if they:

(a) Are ineligible for any CN medical program; and

(b) Meet income levels described in WAC 388-478-0075.

NEW SECTION

WAC 388-505-0220 Family medical eligibility. (1) A person is eligible for categorically needy (CN) medical coverage when they are:

(a) Receiving TANF cash benefits; or

(b) Receiving cash diversion assistance described in chapter 388-222 WAC; or

(c) Eligible for TANF but chooses not to receive cash benefits.

(2) A person is eligible for CN medical coverage when they are not receiving cash benefits for any of the following reasons:

(a) Received sixty months of TANF cash benefits or is a member of an assistance unit which has received sixty months of TANF cash benefits; or

(b) Failed to meet the school attendance requirement in chapter 388-400 WAC; or

(c) Is an unmarried minor parent not in a department-approved living situation; or

(d) Is a parent or caretaker relative who fails to notify the department within five days of the date the child leaves the home and the child's absence will exceed ninety days; or

(e) Is a fleeing felon or fleeing to avoid prosecution for a felony charge, or a probation and parole violator; or

(f) Was convicted of a drug related felony; or

(g) Was convicted of receiving benefits unlawfully; or

(h) Was convicted of misrepresenting residence to obtain assistance in two or more states; or

(i) Has gross earnings exceeding the TANF gross income level; or

(j) Does not meet work quarter requirements; or

(k) Does not meet the unemployment requirement; or

(l) Is not cooperating with WorkFirst requirements.

(3) A person is eligible for SFA medical when:

(a) Receiving SFA cash benefits; or

(b) Receiving SFA cash diversion assistance described in chapter 388-222 WAC; and

(c) Is not eligible for or receiving SFA solely due to factors described in subsection (2) of this section.

NEW SECTION

WAC 388-517-0300 Medicare cost-sharing programs. (1) Clients eligible for the following programs receive benefits which help pay their Medicare coverage out-of-pocket costs:

(a) The qualified medicare beneficiary (QMB); and

(b) The special low-income medicare beneficiary (SLMB) and the expanded special low income and Medicare benefit (ESLMB); and

(c) The Medicare buy-in program; and

(d) The qualified disabled working individual (QDWI); and

(e) The qualified individual (QI).

(2) To be eligible for any of these programs, clients must not have resources which exceed the resource standard in WAC 388-478-0085(6).

(3) Clients eligible for Medicare Part A and meeting the department's income standards have their Part A and Part B Medicare premiums, coinsurance, and deductibles paid for them under the QMB program. A person is income-eligible for QMB:

(a) When their income does not exceed the standard in WAC 388-478-0085(1); or

(b) When they meet the requirements of subsection (a) if their annual Social Security cost-of-living increase is not counted as income until April 1 of each year.

(4) Clients eligible for Medicare Part B benefits and meeting the department's income standards have their Part B Medicare premium paid for them under the SLMB program. In determining eligibility for SLMB or ESLMB, the annual Social Security cost-of-living increase is not counted as income until April 1 of each year. A person is income-eligible:

(a) For SLMB at level one when their income is within the range specified in 388-478-0085(2);

(b) For ESLMB when:

(i) Their income is within the range specified in WAC 388-478-0085(3); and

(ii) They are not otherwise eligible for categorically needy (CN) or medically needy (MN) coverage; and

(iii) Until December 31st of each year or until the date that the annual allotment of federal funds is exhausted.

(5) Clients who are eligible for categorically needy (CN) or medically needy (MN) medical coverage, but not eligible for QMB or SLMB programs may be eligible for a third Medicare cost-sharing program. If they are eligible for Medicare Part A coverage, they receive the state-funded buy-in program. Under the buy-in program the department pays the following:

(a) Their Medicare Part A premiums, if any; and

(b) Their Medicare Part B premiums; and

(c) Their Medicare Part B coinsurance, and deductibles.

(6) Clients who are not eligible for QMB, SLMB or buy-in may be eligible for assistance with their Medicare out-of-pocket costs. Clients who meet the following conditions have their Medicare premium(s) paid for them under the QDWI program. A person is income-eligible for QDWI when:

(a) They are not otherwise eligible for CN or MN medical coverage; and

(b) They are eligible for Medicare Part A; and

(c) Their income does not exceed the standard in WAC 388-478-0085(4).

(7) Persons not eligible for any other Medicare cost-sharing program discussed in this section may receive compensation of one dollar and seven cents per month under the QI program. Total reimbursement is limited to the amount of

money made available for this program from the federal government. The benefit is payable annually as partial reimbursement of their Medicare Part A premiums. A person is income-eligible for QI when:

(a) They are not otherwise eligible for CN or MN medical coverage; and

(b) Their income does not exceed the standard in WAC 388-478-0085(5).

NEW SECTION

WAC 388-519-0100 Eligibility for the medically needy program. (1) A person is considered for medically needy (MN) medical coverage when they are not eligible for categorically needy (CN) coverage because they have income which is above the CN income standard.

(2) A person who meets the above condition is eligible for MN medical coverage if their income is between the CN income standard and the medically needy income level (MNIL) in WAC 388-478-0070. They are certified as eligible for up to twelve months of MN medical coverage.

(3) A person whose income exceeds the MNIL may become eligible for MN medical coverage when they have or expect to have medical expenses. Those medical expenses or obligations may be used to offset any portion of their income which is over the MNIL.

(4) That portion of a person's income which is over the department's MNIL standard is called "excess income."

(5) When a person has or will have "excess income" they are not eligible for MN coverage until they have medical expenses which are equal in amount to that excess income. This is the process of meeting "spenddown."

(6) A person may not spenddown excess resources to become eligible for the MN program. A person is ineligible for MN coverage if their resources exceed the program standard in WAC 388-478-0070.

NEW SECTION

WAC 388-519-0110 Spenddown of excess income for the medically needy program. (1) The person applying for MN medical coverage chooses a three month or a six month base period for spenddown calculation. The months must be consecutive calendar months

(2) A person's base period begins on the first day of the month of application.

(3) A separate base period may be made for a retroactive period. The retroactive base period is made up of the three calendar months immediately prior to the month of application. However, the base period may be less than three months if:

(a) A three month retroactive base period would overlap a previous eligibility period; or

(b) The person was not otherwise eligible for MN coverage for each of the months of the retroactive base period.

(4) The amount of a person's "spenddown" is calculated by the department. The income from each month of the base period is compared to the MNIL. The excess income from each of the months in the base period is added together to determine the "spenddown" for the base period.

(5) Once a person's spenddown amount is known; their qualifying medical expenses are subtracted from that spenddown amount to determine the date of eligibility. The following medical expenses are used to meet spenddown:

(a) First, hospital expenses paid by the person during the base period; and

(b) Second, hospital expenses, regardless of age, owed by the applying person; and

(c) Third, other medical expenses paid or owed by the applying person during the base period.

(6) If a person meets the spenddown obligation at the time of application, they are eligible for MN medical coverage for the remainder of the base period. The beginning date of eligibility would be the day during the base period that they met the spenddown amount.

(7) If a person's spenddown amount is not met at the time of application, they are not eligible until they present evidence of additional expenses which meets the spenddown amount.

(8) To be counted toward spenddown, medical expenses must:

(a) Not have been used to meet a previous spenddown; and

(b) Not be the confirmed responsibility of a third party; and

(c) Meet one of the following conditions:

(i) Be an unpaid and an ongoing bill for the applying person; or

(ii) Be for services received and paid for during the base period.

(9) Medical expenses the person owes are applied to spenddown even if they are subject to payment by a publicly administered program. To qualify, the program cannot be federally funded or make the payments of a person's medical expenses from federally matched funds. The expenses do not qualify if they were paid by the program before the first day of the base period.

(10) The following medical expenses which the person owes are applied to spenddown. Each dollar of an expense or obligation may count once against a spenddown cycle that leads to eligibility for MN coverage:

(a) Charges for services which would have been covered by the department's medical programs as described in chapter 388-529 WAC, less any confirmed third party payments which apply to the charges; and

(b) Charges for some items or services not typically covered by the department's medical programs, less any third party payments which apply to the charges. The allowable items or services must have been provided or prescribed by a licensed health care provider; and

(c) Health Insurance premiums which are not paid or payable by the department, including Medicare premiums; and

(d) Medicare copayments or coinsurance; and

(e) Medicare deductibles for a first hospitalization in sixty days.

(11) Medical expenses may be used more than once if:

(a) The person did not meet their total spenddown amount and did not become eligible in that previous base period; and

(b) The medical expense was applied to that unsuccessful spenddown and remains an unpaid bill.

(12) To be considered toward spenddown, written proof of medical expenses must be presented to the department. The deadline for presenting medical expense information is thirty days after the base period ends.

(13) Once a person meets their spenddown and they are issued a medical identification card, newly identified expenses cannot be considered toward that spenddown. The certification period cannot be altered once the application is approved and coverage begins.

NEW SECTION

WAC 388-519-0120 Spenddown—Medically indigent program. (1) Persons ineligible for CN or MN coverage are considered for the medically indigent (MI) program under chapter 388-438 WAC. Medically indigent spenddown differs from medically needy spenddown in the following ways:

(a) In addition to spending down income in excess of the MNIL, the amount of countable resources which is in excess of the standard in WAC 388-478-0070 is spent down.

(b) The base period for MI begins on the first day of the month in which the following occurred:

(i) Emergency ambulance transportation; or

(ii) Hospital emergency room services were received; or

(iii) The person was hospitalized for the emergency condition.

(c) The base period for MI is three months.

NEW SECTION

WAC 388-523-0100 Medical extensions. (1) A family is eligible for extended medical benefits, when it:

(a) Has received temporary assistance for needy families (TANF) or state family assistance (SFA) cash assistance or TANF/SFA-related categorically needy medical (CN) assistance in any three of the last six months; and

(b) Continues to meet the eligibility requirements of TANF/SFA, other than income.

(2) A family will not receive extended medical benefits for any family member who has had a determination of cash assistance fraud in any of the last six months prior to the extended medical period.

(3) A family may receive four months of extended medical benefits if its income now exceeds TANF/SFA payment standards, as described in WAC 388-478-0020, because of the receipt of child or spousal support.

(4) A family whose income now exceeds TANF/SFA payment standards or who requests termination from TANF/SFA cash assistance because of the earned income of the caretaker relative, may receive six months of extended medical benefits.

(5) A family receiving extended medical benefits described in subsection (4) of this section is eligible for an additional six calendar months of extended medical benefits when:

(a) The family continues to include a minor child; and

(b) The family's gross earned income, after child care deductions, is below one hundred eighty-five percent of the

Federal Poverty Level (FPL), as described in WAC 388-478-0075; and

(c) One of the caretaker relatives has had earnings in each of the three previous months, prior to the month of request for the second six month extension; and

(d) The family provides the department with the required medical assistance quarterly report by the twenty-first day of the:

(i) Fourth month of the initial six month extension period; and

(ii) First month of the second six month extension; and

(iii) Fourth month of the second six month extension.

(6) Certain circumstances may prevent a family from meeting the requirements in subsection (5)(b), (c) and (d) of this section. If that occurs, good cause may exist and the family remains eligible for the additional six month medical extension. Reasons for good cause include, but are not limited to:

(a) Illness, mental impairment, injury, trauma, or stress;

or

(b) Lack of understanding the reporting requirement due to a language barrier; or

(c) Transportation problems; or

(d) Payment for work in each month of the reporting period was paid in a different month than it was earned; or

(e) The client expected to be able to meet the family medical needs, but could not; or

(f) The client was given incorrect information about the reporting requirements.

NEW SECTION

WAC 388-529-0100 Scope of covered medical services by program. (1) The scope of medical care which clients can receive is based on the medical program for which they are eligible. Clients eligible for the following medical programs have coverage for the medically necessary services indicated in the specific columns in the chart provided in WAC 388-529-0200:

(a) Categorically needy (CN) medical coverage is provided as described in the "CN" column. Coverage is modified by the provisions in this section and those found in chapter 388-86 WAC;

(b) Medically needy (MN) medical coverage is provided as described in the "MN" column;

(c) General assistance - unemployable (GAU) or alcohol and drug abuse treatment and support act (ADATSA) medical coverage is provided as described in the "MCS" column. Coverage is modified by the provisions in WAC 388-86-120;

(d) The state-funded children's health program has medical coverage as described in the "CN" column;

(e) State-funded medically indigent (MI) program has medical coverage as described in the "MI" column to the extent that services are related to the qualifying emergency condition. Coverage begins after the client has met the annual emergency medical expense requirement (EMER) as described in WAC 388-438-0100.

(f) Pregnant undocumented aliens have medical coverage as described in the "CN" column.

(2) "Medically necessary" services are defined as medical services which are reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent worsening of a client's health conditions. To qualify, the health condition must endanger life, cause suffering or pain, result in an illness or infirmity, threaten to cause or aggravate a handicap, or cause physical deformity or malfunction. In addition, to qualify as medically necessary there must not be an equally effective, more conservative or substantially less costly course of treatment available or suitable to the client's condition. A course of treatment may include mere observation or, where appropriate, no treatment at all.

(3) Entries in WAC 388-529-0200 have the following meanings and conditions:

(a) "Yes":

(i) The service must be medically necessary as defined by the program; and

(ii) The service may have conditions placed on coverage such as prior authorization is required, primary care provider referral is required, eyeglasses are supplied to adults only once in a twenty-four-month period, etc.

(b) "HK" - the services are provided to children under the healthy kids program as described in WAC 388-86-027.

(c) "No" - the services are not typically covered but that medically necessary services may be available under an "exception to rule" as described in chapter 388-440 WAC.

(d) "L" - the services are provided under limited circumstances described further under WAC 388-529-0300.

(e) "R" - the services are provided only as they are directly connected to emergency medical conditions. These program restrictions are described in WAC 388-438-0100.

(4) Coverage described in this section may be further limited by the notations defined in WAC 388-529-0200.

(5) Medical service categories not listed in WAC 388-529-0200 are not covered. Medical service providers may request authorization for any service which they see as medically necessary under WAC 388-501-0165.

NEW SECTION

WAC 388-529-0200 Medical services available to eligible clients. The following chart lists the medically necessary services available to clients eligible for a variety of assistance programs. Eligibility groups for CN, MCS, MN, and MI coverage are described in WAC 388-529-0100.

MEDICAL SERVICES	CN ¹	MCS	MN	MI
Adult Day Health	Yes	Yes	Yes	No
Advanced RN Practitioner Services	Yes	Yes	Yes	No
Ambulance/Ground and Air	Yes	Yes	Yes	R ²
Anesthesia Services	Yes	Yes	Yes	R ²
Audiology	Yes	Yes	HK only	No
Blood/Blood Administration	Yes	Yes	Yes	R ²
Case Management - Maternity	L ³	No	L ³	No
Chiropractic Care	HK only	No	HK only	No
Clinic Services	Yes	Yes	Yes	No
Community Mental Health Centers	Yes	L ⁴	Yes	No
Dental Services	Yes	No	Yes	No
Dentures Only	Yes	Yes	Yes	No

PROPOSED

PROPOSED

Detoxification	Yes	Yes	Yes	Yes ²
Drugs and supplies, prescription	Yes	Yes	Yes	No
Elective Surgery	Yes	Yes	Yes	No
Emergency Room Services	Yes	Yes	Yes	R ²
Emergency Surgery	Yes	Yes	Yes	R ²
Eyeglasses and Exams	Yes ⁵	Yes ⁵	Yes ⁵	No
Family Planning Services ⁶	Yes	Yes	Yes	No
Healthy Kids (HK) (EPSDT)	Yes	No	Yes	No
Hearing Aids	Yes	Yes	HK only	No
Home Health Services	Yes	Yes	Yes	No
Hospice	Yes	No	Yes	No
Indian Health Clinics	Yes	No	Yes	No
Inpatient Hospital Care	Yes	Yes	Yes	R ²
Involuntary Commitment	Yes	Yes	Yes	Yes ²
Maternity Support Services	Yes	No	Yes	No
Medical Equipment	Yes	Yes	Yes	No
Neuromuscular Centers	Yes	No	Yes	No
Nursing Facility Services	Yes	Yes	Yes	Yes ²
Nutrition Therapy	HK only	No	HK only	No
Optometry	Yes	Yes	Yes	No
Organ Transplants	Yes	Yes	Yes	R ²
Out-of-State Care	Yes	No	Yes	No
Outpatient Hospital Care	Yes	Yes	Yes	R ²
Oxygen/Respiratory Therapy	Yes	Yes	Yes	R ²
Pain Management (Chronic)	Yes	Yes	Yes	No
Personal Care Services	Yes ⁷	No	HK only ⁷	No
Physical/Speech/Occupational Therapy	Yes	Yes	HK and L ⁸	No
Physical Medicine and Rehabilitation	Yes	Yes	Yes	R ²
Physician	Yes	Yes	Yes	R ²
Podiatry	Yes	Yes	Yes	No
Private Duty Nursing	L ⁹	L ⁹	L ⁹	No
Psychiatric Services	Yes	No	Yes	No
Psychological Evaluation	L ¹⁰	L ¹⁰	L ¹⁰	No
Rural Health Services and Federally Qualified Health Centers (FQHC)	Yes	Yes	Yes	No
School Medical Services ¹¹	Yes	No	Yes	No
Substance Abuse/Outpatient	Yes	No	Yes	No
Total Enteral/Parenteral Nutrition	Yes	Yes	Yes	No
Transportation Other Than Ambulance	Yes	Yes	Yes	No
X-Ray and Lab Services	Yes	Yes	Yes	R ²

(1) Notation ¹ indicates that the CN column applies to all categorically needy (CN) programs, the state-funded children's health program. It also describes the services available to pregnant women who are undocumented aliens.

(2) Notation ² restricts the coverage to those services directly connected to an emergency medical condition which requires hospital services. Emergency requirements are described in WAC 388-438-0100.

(3) Notation ³ indicates that the services are limited to pregnant women who have been identified as being in a "high-risk" circumstance under WAC 388-86-017.

(4) Notation ⁴ indicates that clients must meet the program definitions and program priorities of the community mental health act. Limited grants are available to counties for the funding of these services.

(5) Notation ⁵ indicates that eyeglasses are limited under WAC 388-86-030. Under normal conditions adults (twenty-one years of age or older) may obtain coverage for new eyeglasses only every twenty-four months.

(6) Notation ⁶ indicates that family planning services are available to all clients of the medical programs except for the medically indigent program. Some clients are eligible only for family planning services which is noted on the medical identification card. These services are described in WAC 388-462-0015.

(7) Notation ⁷ indicates that services which are not medical services may be covered under certain qualifying conditions. These benefits are covered under the direction of the division of developmental disabilities or the children's services administration under WAC 388-86-087.

(8) Notation ⁸ indicates that the services are not normally provided to clients, however, they are covered when the client is receiving department approved home health care services as described in WAC 388-86-045.

(9) Notation ⁹ indicates that services are limited according to the conditions listed in WAC 388-86-071.

(10) Notation ¹⁰ indicates that the department limits services as described in chapter 388-86 WAC.

(11) Notation ¹¹ indicates a special medical program for children who are Medicaid eligible under an individualized education plan under the special education program of a school. This medical program is described further in WAC 388-86-022.

REPEALER

The following chapters and sections of the Washington Administrative Code are repealed:

- Chapter 388-49 WAC Food assistance programs.
- Chapter 388-210 WAC Applications for assistance.
- Chapter 388-212 WAC Verification of eligibility.
- Chapter 388-215 WAC Aid to families with dependent children—Categorical eligibility.
- Chapter 388-216 WAC Resource eligibility.
- Chapter 388-217 WAC Transfer of property.
- Chapter 388-218 WAC Aid to families with dependent children—Income policies.
- Chapter 388-219 WAC General assistance—Income policies.
- Chapter 388-220 WAC State family assistance.
- Chapter 388-225 WAC Consolidated emergency assistance program—CEAP.

Chapter 388-230 WAC	General assistance for pregnant women.	WAC 388-255-1400	One-time grant—Authorization—Disbursement.
Chapter 388-233 WAC	General assistance for children.	WAC 388-265-1010	Grant payment—General provisions.
Chapter 388-245 WAC	Maintenance of grant programs.	WAC 388-265-1050	Grant authorization.
Chapter 388-250 WAC	Grant standards.	WAC 388-265-1100	Grant payee.
Chapter 388-270 WAC	Incorrect payments.	WAC 388-265-1550	Client notification of protective payee or vendor payee.
WAC 388-055-006	Summary of eligibility conditions.	WAC 388-265-1700	Confidential information—Protective payee or vendor payee.
WAC 388-055-008	Eligibility conditions—Refugee status.	WAC 388-265-1800	Warrant endorsement.
WAC 388-055-010	Common eligibility conditions.	WAC 388-265-1850	Warrant delivery.
WAC 388-055-020	Work and training eligibility conditions.	WAC 388-265-1900	Warrant cancellation.
WAC 388-055-020	Work and training eligibility conditions.	WAC 388-265-1950	Loss, theft, or destruction of a client's warrant.
WAC 388-055-030	Treatment of income and resources.	WAC 388-265-2000	Loss, theft, or destruction of a vendor warrant.
WAC 388-055-040	Refugee medical assistance.	WAC 388-275-0020	Definitions.
WAC 388-055-060	Refugee notification and referral.	WAC 388-275-0030	Administrative responsibility.
WAC 388-200-1100	Grievance procedure.	WAC 388-275-0050	Waiver of state supplement.
WAC 388-200-1150	Exception to rule.	WAC 388-275-0060	Payments.
WAC 388-235-0010	Purpose of program.	WAC 388-275-0070	Termination of state supplement.
WAC 388-235-0020	Definitions.		
WAC 388-235-0030	Summary of eligibility conditions.	WAC 388-275-0090	Representative payee.
WAC 388-235-0040	Assistance unit.		
WAC 388-235-0050	Age requirements.		
WAC 388-235-0060	Residence-Establishing.		
WAC 388-235-0070	Residence-Temporary absences.		
WAC 388-235-0080	Residence-Applicant living in another state.		
WAC 388-235-0090	Residence-Applicant receiving assistance from another state.		
WAC 388-235-0100	Citizenship and alien status.		
WAC 388-235-0110	Social security number.		
WAC 388-235-2000	Resources.		
WAC 388-235-3000	Income.		
WAC 388-235-4000	GAU payment and need standards.		
WAC 388-255-1350	Additional requirements for emergent situations.		

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Department of Social and Health Services and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 98-13-026
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed June 8, 1998, 9:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-09-074.

Title of Rule: Court reporter fees.

Purpose: To adjust fees in order to defray cost of administering the court reporter program and assist in reducing the revenue deficit, change the title from shorthand reporting fees to court reporter fees and eliminate temporary fees to match the 1995 changes to chapter 18.145 RCW.

Other Identifying Information: Fee adjustments are within limits of Initiative 601 and fiscal growth factor.

Statutory Authority for Adoption: RCW 18.145.050, 43.24.086, and 43.135.055.

Statute Being Implemented: RCW 43.24.086.

Summary: The court reporter program is adjusting fees in order to be self-supporting per RCW 43.24.086.

Reasons Supporting Proposal: The fee increase will assist in reducing the revenue deficit in the program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Teri Osborn, Department of Licensing, Olympia, Washington, (360) 753-1061.

Name of Proponent: Department of Licensing, Business and Professions Division, P.O. Box 9649, Olympia, WA 98507-9649, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule sets fees for the court reporter program. The court reporter program proposes to adjust fees to assist in covering the actual cost of doing business as required in RCW 43.24.086, which states each business and profession must be self-supporting. Because the adjustment must be within Initiative 601, it is anticipated that the additional revenue collected will not cover all costs to the program, but will give some relief to the revenue deficit.

The rule title is inconsistent with the changes made to the RCW in 1995, which modified the reference to licensees from shorthand reporters to court reporters.

The rule also has fees for temporary certificates which were eliminated from the RCW in 1995.

Proposal Changes the Following Existing Rules: Changes the title of the rule from "Shorthand reporting fees" to "Court reporter fees," adjusts fees charged for original applications, renewals, and late renewals. Also deletes fees for temporary certification as that section of the RCW is no longer valid.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Cost of compliance of the fee increase is below the threshold in the table of minor and negligible impact as defined by the Business Assistance Center's Guide to Facilitating Regulatory Fairness.

RCW 34.05.328 does not apply to this rule adoption. These rules are exempt under RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Licensing, Business and Professions Division, Conference Room #1, 405 Black Lake Boulevard, Olympia, WA 98501, on July 22, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Teri Osborn by July 14, 1998, TDD (360) 526-2788, or (360) 753-1061.

Submit Written Comments to: Teri Osborn, Department of Licensing, Business and Professions Division, Court Reporter Section, P.O. Box 9649, Olympia, WA 98507-9649, FAX (360) 664-2550, by July 14, 1998.

Date of Intended Adoption: July 23, 1998.

June 4, 1998
Mary Jelvik
Administrator

AMENDATORY SECTION (Amending WSR 90-10-009, filed 4/20/90, effective 5/21/90)

WAC 308-14-200 (~~Shorthand reporting~~) **Court reporter fees.** The following fees shall be charged by the ~~(professional licensing services)~~ **business and professions** division, department of licensing:

Title of Fee	Fee
Certification	
Application	((\$125.00)) \$130.00
Renewal	((100.00)) 104.00
Late renewal penalty	((100.00)) 104.00
Verification	25.00
Duplicate	15.00
(Temporary certification	
Application	125.00
Verification	25.00
Duplicate	15.00))

WSR 98-13-027
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed June 8, 1998, 10:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-09-073.

Title of Rule: WAC 308-11-010 Definitions, 308-11-030 Auctioneer fees, 308-11-035 Renewal of registration, 308-11-050 Surety bond or trust account required, 308-11-120 Inspection and audit, and 308-11-130 Suit or complaint notification.

Purpose: WAC 308-11-010, to repeal rule which is a duplicate of chapter 18.11 RCW; WAC 308-11-030, to defray cost of administration of the auctioneer program and assist in reducing the revenue deficit; WAC 308-11-035, to coordinate the expiration dates on renewals for individuals and companies. Both will now expire one year from date of issue; WAC 308-11-050, to delete all references for requirements that are covered by RCW, thereby omitting duplication; WAC 308-11-120, to revise and simplify language to make requirements more understandable to the licensees. Revision also eliminates duplication of requirements found in the RCW; and WAC 308-11-130, to correct the address of the business and professions division, where complaints and notification must be sent.

Other Identifying Information: Fee adjustments are within limits of Initiative 601 and fiscal growth factor. Other changes are minor and of a housekeeping nature.

PROPOSED

Statutory Authority for Adoption: RCW 18.11.060, 43.24.086, and 43.135.055.

Statute Being Implemented: RCW 43.24.086.

Summary: The auctioneer program is adjusting fees in order to be self-supporting per RCW 43.24.086. Following a rules review meeting, attended by interested licensees, it was determined that some of the rules needed clarification and some were duplications of the RCW and will be repealed.

Reasons Supporting Proposal: The fee increase will assist in reducing the revenue deficit in the program and other changes will simplify/clarify requirements for licensure and renewal.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Teri Osborn, Department of Licensing, Olympia, Washington, (360) 753-1061.

Name of Proponent: Department of Licensing, Business and Professions Division, P.O. Box 9649, Olympia, WA 98507-9649, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-11-010, serves no purpose, duplication of RCW; WAC 308-11-030, sets the fees required for licensure and renewal. Adjusting fees will give some relief to the revenue deficit; WAC 308-11-035, individual licenses expire on their birthdate and companies on June 30 each year. With the amended rule both licenses will expire one year from the date of issuance; WAC 308-11-050, defines the requirements for bonding and trust accounts, duplication of RCW; WAC 308-11-120, defines the requirements for inspection and audit. Revised for clarity and content; and WAC 308-11-130, updates the address of the program for reporting suit information or complaints.

Proposal Changes the Following Existing Rules: WAC 308-11-010, repealed; WAC 308-11-030, increase of fees; WAC 308-11-035, all licenses expire one year from the date of issuance; WAC 308-11-050, amended rule repeals those portions of the requirements which are duplicate of the RCW; WAC 308-11-120, clarifies the requirements for inspection and audit; and WAC 308-11-130, updates the address of the program for reporting suit information or complaints.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Cost of compliance of the fee increase is below the threshold in the table of minor and negligible impact as defined by the Business Assistance Center's Guide to Facilitating Regulatory Fairness.

RCW 34.05.328 does not apply to this rule adoption. These rules are exempt under RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Licensing, Business and Professions Division, Conference Room 1, 405 Black Lake Boulevard, Olympia, WA 98501, on July 22, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Teri Osborn by July 14, 1998, TDD (360) 526-2788, or (360) 753-1061.

Submit Written Comments to: Teri Osborn, Department of Licensing, Business and Professions Division, Auctioneer Section, P.O. Box 9649, Olympia, WA 98507-9649, FAX (360) 664-2550, by July 14, 1998.

Date of Intended Adoption: July 23, 1998.

June 4, 1998

Mary Jelvik

Administrator

AMENDATORY SECTION (Amending WSR 90-06-052, filed 3/2/90, effective 4/2/90)

WAC 308-11-030 Auctioneer fees. The following fees shall be charged by the ((professional licensing)) business and professions division of the department of licensing:

Title of Fee	Fee
Auctioneer:	
Initial application	(\$110.00) \$114.00
Renewal	((110.00)) 114.00
Late renewal penalty	((100.00)) 104.00
Duplicate license	15.00
Certification	25.00
Auction company:	
Initial application	((250.00)) 260.00
Renewal	((250.00)) 260.00
Late renewal penalty	((200.00)) 208.00
Duplicate license	15.00

AMENDATORY SECTION (Amending Order PM 701, filed 12/23/87)

WAC 308-11-035 Renewal of registration. (1) An auctioneer license will be issued to an applicant, provided ((the)) all requirements are met for licensure ((are met, with an expiration date to be the licensee's next birth anniversary date)). An auctioneer license will expire one year from the date of issuance.

(2) An auction company license will be issued, provided all requirements are met for licensure((, which)). The auction company license will expire ((on June 30 of each year)) one year from the date of issuance.

(3) An application for a license renewal received after the date of expiration will require the payment of the penalty fee in addition to the renewal fee.

AMENDATORY SECTION (Amending Order PM 766, filed 11/9/88)

WAC 308-11-050 Surety bond or trust account required. (1) As required by chapter 18.11 RCW, the amount of the surety bond or other security in lieu of the bond to be

PROPOSED

filed and maintained for an auctioneer license shall be five thousand dollars.

(2)((a)) The amount of the surety bond or other security in lieu of the bond to be filed and maintained for an auction company license shall be based upon the value of the gross sales during the previous calendar year according to the following scale:

GROSS SALES		BOND/ SECURITY AMOUNT	
\$ 0.00	to \$ 24,999.99	\$ 5,000.00	
\$ 25,000.00	to \$ 49,999.99	\$ 10,000.00	
\$ 50,000.00	to \$ 99,999.99	\$ 15,000.00	
\$ 100,000.00	to \$ 499,999.99	\$ 20,000.00	
\$ 500,000.00	& Above	\$ 25,000.00	

~~((b)) (3) All ((licensed)) auction companies ((shall annually on June 30,)) upon application or with license renewal, shall submit a financial certification affidavit on forms provided by the department. ((The information reported will form the basis for the department's approval of the auction company's bond or other security amount each year. A company whose sales increases have placed it in a higher category in the above scale will be required to increase its surety bond or security amount accordingly, and file the increased bond or proof of security with the financial certification affidavit form. A company whose sales have decreased may adjust its bond or security amount in accordance with the scale. New license applicants will be provided with financial certification affidavit forms for estimating the sales for the calendar year.~~

~~(3)) (4) Each licensee must maintain such a surety bond, or other security in lieu of a bond, in an active status at all times during the period of licensure.~~

~~((4)(a) No bond filed shall be approved unless it expressly provides that it will be effective for one year following the effective date of its cancellation or termination, whether because of expiration, suspension, or revocation of the license, or otherwise, as to any covered act or acts and omission or omissions of the licensee occurring on, or prior to, the effective date of cancellation or termination.~~

~~(b) No other security used in lieu of a bond shall satisfy the requirements of chapter 18.11 RCW, unless by the express terms of the security the security shall remain open and active for not less than one year following the effective date of its cancellation or termination, whether because of the expiration, suspension or revocation, or otherwise, as to any covered act or acts or omission or omissions of the licensee occurring on, or prior to, the effective date of cancellation or termination.~~

~~(e) Subject to the requirement of (b) of this subsection, each surety bond or other security used in lieu of a bond shall be deemed terminated upon the expiration or revocation of the license in connection with which the bond was issued, or the other security in lieu of a bond was created. *Provided*, That for the purposes only of this section a license shall not be deemed expired, suspended, or revoked so long as the licensee may continue to act as an auctioneer pursuant to the provisions of chapter 34.04 RCW or any court order issued pursuant thereto.))~~

AMENDATORY SECTION (Amending Order PL 506, filed 1/11/85)

WAC 308-11-120 Inspection and audit. The following shall be subject to inspection and audit at any reasonable time, with or without notice upon demand by the department:

(1) All records required to be maintained by an auctioneer by chapter 18.11 RCW, or ((these rules, together with any)) WAC 308-11-100:

(2) Other business or other types of records of the auctioneer or auction company which may be related to activity as an auctioneer or auction company or necessary to ((a full understanding of)) understand such records((, and));

(3) Any auction mart or other premise used ((for the purpose of conducting)) to conduct an auction((, together with));

(4) Any personal property which may be the subject of, or related to, an auction ((shall be subject to inspection and audit at any reasonable time, with or without notice upon demand by the department, for the purposes of determining compliance or noncompliance with the provisions of chapter 18.11 RCW, and these rules)).

((If records requested by the department are not immediately available because they are)) (5) Records not physically present upon the premises at the time the demand is made((; they)) shall be procured and produced to the department ((as soon as possible, but in any event)) within twenty-four hours, ((by the licensee.

A reasonable time for the conduct of such inspection and audit shall be:

(1) If the records or items to be inspected or audited are located anywhere upon a premise any portion of which is open for business or to the public (or members and guests), then at any time the premises are so open, or at which they are usually open; or

(2) If the records or items to be inspected or audited are not located upon a premise set out in section (1) above, then any time)) or within a time approved by the department;

(6) Records physically present upon the premises at the time demand is made shall be inspected or audited at any reasonable time which shall be between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

AMENDATORY SECTION (Amending WSR 92-13-045, filed 6/11/92, effective 7/12/92)

WAC 308-11-130 Suit or complaint notification. Every licensee shall, within thirty days after service or knowledge ((thereof)) of, notify the department of any suit or complaint served or filed in any court of competent jurisdiction, civil or criminal, in which the subject matter ((thereof,)) involves any auction or business activity of the defendant; and in which the subject matter thereof, involves any auction or business activity of the defendants therein named. The department address is Business and Professions Division, Auctioneer Section, PO Box 9649, Olympia, Washington 98507-9649. Complaints against others may also be sent to the above address.

PROPOSED

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-11-010 Definitions.

WSR 98-13-028
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed June 8, 1998, 10:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-09-075.

Title of Rule: WAC 308-33-011 Fees, 308-33-020 Director's review of fees and contracts, 308-33-030 Manner of setting forth fees in agency contracts, 308-33-060 Informing applicants of agency fee after employment gained, 308-33-071 Signing of contracts, 308-33-080 Contract term guidelines, 308-33-090 Branch office—Defined, 308-33-095 Examination, and 308-33-105 Employment agency fees.

Purpose: To adjust fees in order to defray the cost of administration of the employment agency program and assist in reducing the revenue deficit. Also to clarify and simplify the language and requirements with no major changes to content or the intent of the rules.

Other Identifying Information: The exception to Initiative 601 (chapter 346, Laws of 1998) will reduce the revenue deficit.

Statutory Authority for Adoption: Chapter 19.31 RCW, RCW 43.24.086 and chapter 346, Laws of 1998.

Statute Being Implemented: RCW 43.24.086.

Summary: The proposed amendment adjusts fees to cover the actual cost of doing business as required under RCW 43.24.086 which states that all business and profession programs be self-supporting. Also proposes minor housekeeping changes to clarify and simplify the language and requirements.

Reasons Supporting Proposal: The fee adjustment will assist in reducing the revenue deficit in administering the employment agency program and issuance of licenses.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Harumi Tucker Tolbert, Department of Licensing, Olympia, Washington, (360) 586-2369.

Name of Proponent: Department of Licensing, Business and Professions Division, P.O. Box 9649, Olympia, WA 98507-9649, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-33-105, the amendment to this rule proposes to adjust fees to cover the actual cost of doing business as required by RCW 43.24.086, which requires that all business and profession programs be self-supporting.

Housekeeping: WAC 308-33-011, change title to better reflect subject, delete items already covered in RCW, amending language for clarity without changing requirements;

WAC 308-33-020, repeal, duplication of what is outlined in RCW; WAC 308-33-030, 308-33-060, and 308-33-071, change title to better reflect subject, amend language for clarity without changing requirements; WAC 308-33-080 repeal, contents incorporated into WAC 308-33-030; WAC 308-33-090, change title, amend language for clarity without changing requirements; and 308-33-095, change title to better reflect subject, amend language for clarity without changing requirements.

Proposal Changes the Following Existing Rules: Adjusts fees charged for original applications and renewals for main and branch employment agency locations, repeals WAC 308-33-020 and 308-33-080 which are duplicates of what is already covered in the law, and amends WAC 308-33-011, 308-33-030, 308-33-060, 308-33-071, 308-33-090, 308-33-095, and 308-33-105. These amendments are housekeeping in nature and are to clarify and simplify the language and requirements with no major changes to content or the intent of the rules.

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

Small Business Economic Impact Statement

Proposed amendments WAC 308-33-105 Employment agency fees. Other rules being considered in the CR-102 are not deemed to have economic impact and, therefore, are not included in the small business economic impact statement.

Background: The Department of Licensing, Business and Professions Division, is proposing an increase of the license and renewal fees for employment agencies.

RCW 43.24.086 states that all professional licensing programs must be self-supporting by the fees they collect. Over the last five years there has been a steady decline in the licensee base and revenue which supports the employment agency program to the point that it is no longer self-supporting and unable to provide adequate regulatory response to consumer complaints.

Summary of Amendments: Currently, there are thirty-five main office and twelve branch office licensees that fall within the definition of "employment agency" per RCW 19.31.020. The definition requires licensure of those agencies that accept fees from applicants looking for work. If an agency only accepts fees from potential employers, they are exempt from licensing.

All new businesses will pay an additional \$100 application and licensing fee for their first location (main) and an additional \$100 application and licensing fee for each additional location (branch). Existing and future licensees will pay an additional \$350 annual renewal fee for their main location and an additional \$350 annual renewal fee for each branch location.

Professional Services Possibly Needed: None.

Costs of Compliance: The gross business income for all thirty-five licensees is \$20,407,528.96. The average cost per \$100 of sales is \$0.32.

PROPOSED

Employment Agency - SBEIS Worksheet

Agency Name	Gross Business Income	*Cost per \$100 Sales
Business # 1	\$19,546.74	\$1.79
Business # 2	\$48,758.33	\$0.72
Business # 3	\$352,584.36	\$0.10
Business # 4	\$28,777.05	\$1.22
Business # 5	\$476,540.60	\$0.07
Business # 6	\$79,819.00	\$0.44
Business # 7	\$762,381.00	\$0.05
Business # 8	\$1,215,519.62	\$0.03
Business # 9	\$273,288.00	\$0.13
Business # 10	\$6,049,229.00	\$0.03 Plus 4 branches = \$1,750
Business # 11	\$303,928.79	\$0.12
Business # 12	\$303,928.79	\$0.12
Business # 13	\$536,467.78	\$0.07
Business # 14	\$292,089.00	\$0.12
Business # 15	\$18,804.75	\$1.86
Business # 16	\$1,084,425.01	\$0.19 Plus 5 branches = \$2,100
Business # 17	\$2,818,309.31	\$0.01
Business # 18	\$774,459.41	\$0.09 Plus 1 branch = \$700
Business # 19	\$44,675.90	\$0.78
Business # 20	\$350,701.30	\$0.10
Business # 21	\$552,015.96	\$0.06
Business # 22	\$126,449.51	\$0.28
Business # 23	\$160,084.76	\$0.22
Business # 24	n/a	Plus 1 branch = \$700
Business # 25	\$95,576.06	\$0.73 Plus 1 branch = \$700
Business # 26	n/a	
Business # 27	\$203,623.16	\$0.17
Business # 28	\$195,564.83	\$0.18
Business # 29	\$150,863.48	\$0.23
Business # 30	\$183,227.20	\$0.19
Business # 31	\$44,054.00	\$0.79
Business # 32	\$492,788.35	\$0.07
Business # 33	\$581,780.27	\$0.06
Business # 34	\$1,347,779.62	\$0.03
Business # 35	\$439,488.02	\$0.08
Totals:	\$20,407,528.96	\$11.12
Average Cost Per Business:		\$0.32

* Additional cost of annual renewal: Main office = \$350; branch office = \$350

* Formula:

Cost
\$ of sales/100

Note: Gross business income data provided by the Washington State Department of Revenue.

Comparison of Cost - Small versus Large Employers and Mitigation of Disproportionate Costs to Small Employers: Since the current licensee base of thirty-five licensees are all small business with less than fifty employees, there is no comparison of cost or disproportionate costs to small employers.

Description of How Agency will Involve Small Businesses in the Development of the Proposed Rule: The department held a public rules review meeting on March 19, 1998. Also, all current employment agency licensees will be provided with a copy of the proposed rules. Employment agencies are encouraged to contact the department to comment on the rules.

A copy of the statement may be obtained by writing to Harumi Tucker Tolbert, Department of Licensing, Business and Professions Division, Employment Agency Section, P.O. Box 9649, Olympia, WA 98507-9649, phone (360) 586-2369, FAX (360) 664-2550.

RCW 34.05.328 does not apply to this rule adoption. This rule is exempt from RCW 34.05.328.

Hearing Location: Department of Licensing, Business and Professions Division, Conference Room #1, 405 Black Lake Boulevard, Olympia, WA 98501, on July 21, 1998, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Harumi Tucker Tolbert by July 17, 1998, TDD (360) 586-2788, or (360) 586-2369.

Submit Written Comments to: Harumi Tucker Tolbert, Department of Licensing, Business and Professions Division, P.O. Box 9649, Olympia, WA 98507-9649, FAX (360) 664-2550, by July 17, 1998.

Date of Intended Adoption: July 22, 1998.

June 3, 1998

Mary L. Jelvik, Administrator
Business and Professions Division

AMENDATORY SECTION (Amending Order PM 658, filed 10/21/87)

WAC 308-33-011 ((Fees.)) Are the fees charged by employment agencies regulated? (((1)) The fees which employment agencies may contract to charge applicants shall not be regulated. However, no agency shall use a fee schedule or contract which has not been approved for use by the director as provided for in RCW 19.31.050.

((2)) Although fees are not regulated, ((no)) employment ((agency shall)) agencies cannot require by contract or otherwise that an applicant ((make payments)) pay in any one month period ((in)) an amount which exceeds ((the applicant's)) their gross earnings for that period.

(((3)) In the event of termination an applicant shall be required to pay no more than twenty percent of the gross earnings actually received, or the full placement fee set forth

PROPOSED

in the contract with the agency, whichever is less, if the applicant was employed for sixty days or less:

If the employment is terminated after sixty days, the applicant shall be obligated for the full placement fee set forth in the contract with the agency.

(4) The applicant may submit payroll information to the agency within seventy days after reporting to work for reevaluation to reflect a fee based on actual gross earnings for the first sixty days:)) **Employment termination: How much does an applicant owe the employment agency?**

- **Employed sixty days or less** - An applicant must pay up to twenty percent of the gross earnings received, or the full placement fee established in the employment agency contract, whichever is less.
- **Employed over sixty days** - An applicant must pay the full placement fee established in the employment agency contract. Within seventy days after reporting to work, an applicant may submit payroll

information to the agency to reevaluate the fee due based on the actual gross earnings for the first sixty days of employment.

AMENDATORY SECTION (Amending Order PM 658, filed 10/21/87)

WAC 308-33-030 (~~Manner of setting forth fees in agency contracts.~~) **What are the guidelines for establishing fees in employment agency contracts?** (1) The contract must list the fee ((to be)) charged to an applicant(~~, under usual circumstances, must be set forth in the employment agency contract~~) under the following headings:

- (a) Monthly salary((-);
- (b) ((The)) Range of agency's fee expressed in dollars((-); and
- (c) Agency's fee as a percentage of the expected monthly ((compensation)) salary.

A Monthly Salary	B Range of Agency's Fee Expressed in Dollars	C Agency's Fee as a Percent of Expected Monthly Compensation
Less than \$300.00	Up to \$90.00	30%
\$300.00 to \$349.99	\$120.00 to \$139.99	40%
\$350.00 to \$399.99	\$175.00 to \$199.99	50%

(2) The agency may list((-) the annual salary and agency fee as a percentage of the expected annual salary in addition to ((the monthly salary and agency fee as a percentage of the expected monthly compensation, the annual salary and agency fee as a percentage of the expected annual compensation)) column C in the example above.

(3) ((An agency must set forth additional information concerning its fees within its contract)) **The contract must contain any additional information concerning fees as required by law ((and the rules in support thereof)).**

(4) Agencies ((may not)) **cannot** indicate, ((either)) orally or in writing, that their contract and fee schedules ((have been)) are "approved" or in any way "recommended" by the state. However, ((a licensee may)) **they can** indicate ((that)) their contracts are "approved for use."

(5) **An example of contract terms acceptable to the director are available upon request.**

(2) Expected monthly or annual salary (whichever the fee is based upon); ((and))

(3) Date applicant began or ((is to)) **will** begin ((employment)) **working; and**

(4) **Date payment is due to the agency.**

AMENDATORY SECTION (Amending Order PL 272, filed 7/26/77, effective 9/21/77)

WAC 308-33-071 Signing of contracts—Applicant's rights. (1) ((Before a contract shall be signed by an applicant the applicant)) **You** must have an opportunity to discuss the contract and its terms with an authorized representative of the agency **before signing.**

(2) ((The applicant)) **You** must be given a signed carbon or duplicate copy of the contract immediately after signing.

(3) ((In the event an applicant seeks only positions in which the fee is paid by the employer)) **If you request only jobs in which the employer pays the agency fee, the agency ((shall)) must note ((such fact)) that on all contracts prior to ((signature by the applicant)) your signing the contract.**

(4) ((The provisions of subsection (3) above shall not preclude)) **If you accept a job and the fee is paid by the employer, the agency ((from having an applicant)) can request that you sign a contract obligating ((him or her for a fee in the event the applicant)) you to pay the agency fee if the job terminates within sixty days and the employer is reimbursed by the agency. All such contracts must contain the necessary information required by RCW 19.13.040 and must be approved by the director prior to their use.**

((5) Any contracts in accordance with subsection (4) shall contain the necessary information required by RCW

AMENDATORY SECTION (Amending Order PM 658, filed 10/21/87)

WAC 308-33-060 (~~Informing applicants of agency fee after employment gained.~~) **Does an employment agency have to notify the applicant of their fee in writing once a job has been accepted?** ((As soon as practicable after an applicant has accepted employment)) **If an applicant accepts a job** through the efforts of an employment agency, ((the applicant shall be notified of the amount of the agency fee in a form containing at least)) **the agency must notify the applicant of their fee in writing. The document must contain the following ((information)):**

- (1) Amount of fee expressed in dollars;

PROPOSED

19.31.040 and shall be approved by the director prior to its use by an agency.))

AMENDATORY SECTION (Amending Order PL-142, filed 1/24/73)

WAC 308-33-090 Definition of a branch office~~((— Defined)).~~ A branch office is ~~((defined to mean))~~ any location physically separated from the principal place of business of a licensee ~~((from which))~~ where the licensee or his employees conduct any activity meeting the criteria of an employment agency ~~((under the definition of that term))~~ as defined in RCW 19.31.020.

AMENDATORY SECTION (Amending Order PM 658, filed 10/21/87)

WAC 308-33-095 General manager examination~~((s)).~~ (1) Examinations for general managers ~~((shall be))~~ are written and ~~((shall))~~ consist of multiple choice questions covering the subject matter set forth in RCW 19.31.100~~((, as now or hereafter amended)).~~

(2) The minimum passing grade ~~((for the examination shall be))~~ is seventy-five percent.

(3) Examinations ~~((will be))~~ are conducted ~~((before the fifteenth of each))~~ at least once per month at locations specified by the director.

(4) The application~~((s))~~ and fee~~((s for examination))~~ must be received by the department by the first of each month to be scheduled for the examination ~~((to be held))~~ the following month. The fee is not refundable.

(5) Applicants failing the examination ~~((shall))~~ must submit a new application and fee ~~((on each occasion of application for reexamination)).~~

(6) General managers who have passed the examination and ~~((do not remain active))~~ become inactive in the employment agency business ~~((shall, if not so actively engaged for longer than one year, be))~~ for more than one year are required to retake and pass the examination prior to being qualified to serve as a general manager.

~~((7) Examination fees are not refundable.~~

~~((8) This section shall take effect June 1, 1987.))~~

AMENDATORY SECTION (Amending WSR 90-06-052, filed 3/2/90, effective 4/2/90)

WAC 308-33-105 Employment agency fees. The following fees shall be charged by the ~~((professional licensing))~~ business and professions division of the department of licensing:

Title of Fee	Fee
Agencies:	
Original application and license	(((\$725.00)) <u>\$825.00</u>
Renewal	(((\$600.00)) <u>950.00</u>
Transfer of license	150.00

Title of Fee	Fee
Duplicate license	15.00
New/amended contract or fee schedule review	50.00 ^c
Branch office:	
Original application and license	((500.00)) <u>600.00</u>
Renewal	((500.00)) <u>850.00</u>
Transfer of license	25.00
Duplicate license	15.00
General manager exam fee	150.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-33-020 Director's review of fees and contracts.
- WAC 308-33-080 Contract term guidelines.

WSR 98-13-043

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed June 9, 1998, 3:00 p.m.]

The Department of Licensing hereby withdraws WSR 98-04-014 filed with your office on January 26, 1998.

Nancy Kelly, Administrator
Title and Registration Services

WSR 98-13-044

**PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed June 9, 1998, 3:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-03-026.

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

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02. 2. To implement SSB 6603. Statutory Authority for Adoption: RCW 88.02.070, 88.02.100.

Summary: Clarifying WAC 308-93-010 Definitions, 308-93-050 Vessels exempted from registration, excise tax, and titling, 308-93-055 Foreign vessels operating in this state—Identification document required, 308-93-056 Out of country vessels operating in this state—Identification document required, 308-93-060 Registration period, 308-93-070 Application for title registration, 308-93-071 Class "A" and

PROPOSED

Class "B" titles, 308-93-073 New vessels, 308-93-078 Temporary permits, 308-93-285 Vessel length measurement, 308-93-350 Incorrect endorsements or erasures, 308-93-360 Application for title required, 308-93-620 Hull identification number required, and 308-93-640 Reciprocity; new 308-93-069 Application for certificate of ownership/registration—Accompanied by; and repealing 308-93-074 Application for titles—Commercial fishing, 308-93-075 Inspection of certificate, 308-93-080 Registration certificate, 308-93-085 Contents of a certificate of registration, 308-93-300 Original application—Renewals—Fees—Preissuance, when, 308-93-330 Certificate of title—Application, 308-93-420 Special mailing, and 308-93-630 Assignment of hull identification number.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02 and implementation of SSB 6603.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street South East, Olympia, (360) 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street South East, Olympia, (360) 902-4045.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification and a better understanding by the public of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

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.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The content of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room, 1125 Washington Street South East, Olympia, WA 98507, on July 21, 1998, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by July 20, 1998, 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 July 20, 1998.

Date of Intended Adoption: July 29, 1998.

June 9, 1998
Nancy S. Kelly
Administrator

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

WAC 308-93-010 Definitions. Unless the context clearly indicates otherwise, the following definitions apply to the rules in this chapter:

(1) ("~~Alien vessel~~" means a vessel owned by a resident of a country other than the United States.

(2) "~~Carpenter certificate~~" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(3) "~~Commercial fishing vessel~~" means a vessel primarily used for commercial or charter fishing.

(4) "~~Declaration of value form~~" means the department of revenue form used to declare the value for purposes of assessing excise tax when a vessel is acquired by lease, trade, gift, homemade, or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.

(5) "~~Director~~" means the director of the department of licensing.

(6) "~~Documented vessel~~" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

(7) "~~Exclusively~~" means solely and without exception.

(8) "~~Foreign vessel~~" means a vessel owned by a resident of another state registered in accordance with the laws of the state in which the owner resides.

(9) "~~Legal owner~~" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 46.12.095 or the registered owner of a vessel unencumbered by a security interest or the lessor of a vessel unencumbered by a security interest.

(10) "~~Lifeboat~~" means craft used exclusively for lifesaving purposes.

(11) "~~Manufacturer's statement of origin (MSO)~~" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(12) "~~Overall length~~" means a straight line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(13) "~~Prebill~~" and "~~no bill~~" means the notice to renew a vessel registration that is mailed by the department to the registered owner.

(14) "~~Previous ownership document~~" means the last issued certificate of title and/or registration.

(15) "~~Primarily~~" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(16) "~~Propulsion machinery~~" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(17) "~~Registered owner, owner,~~" synonymous terms used interchangeably, mean a person who has a lawful right to possession of a vessel, whether or not the vessel is subject to a security interest.

PROPOSED

(18) "Tender" means a craft used exclusively to furnish transportation from a larger vessel to shore and return.

(19) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(20) "Valid marine document" means a document issued by the United States Coast Guard which declares a vessel to be a documented vessel of the United States.

(21) "Vessel data form" means the information application completed by the applicant showing all required description data for the vessel registration and title.

(22) "Waters of this state" means any waters within the territorial limits of this state.

(23) "Time share charters" means leased vessels where none of the parties leasing the vessel under a "time share" option agreement are acquiring an equity in the vessel and there is no option to buy.

(24) "Houseboat" means any vessel as defined in RCW 88.02.010(1) and does not mean any building on a float used in whole or in part for human habitation as a single-family dwelling which is not designed for self propulsion by mechanical means, or for propulsion by means of wind, nor propelled by mechanical means or wind.

(25) "Cruising license" means an annual certificate issued by U.S. customs service pursuant to 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance procedures, from payment of tonnage tax and clearance fees at all but the first port of entry.) "Bare boat" means a vessel rented without a crew.

(2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(3) "Charter vessel" means a vessel rented with a crew.

(4) "Commercial fishing vessel" means a vessel primarily used for commercial or charter fishing.

(5) "Declaration of value form" means the department of licensing form used to declare the value for purposes of assessing excise tax when a vessel is acquired by lease, trade, gift, homemade, or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.

(6) "Director" means the director of the department of licensing.

(7) "Display permit" means the document issued by the department, its agents or subagents, for display on the vessel for which it was issued under the authority of WAC 308-93-055 or 308-93-056.

(8) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

(9) "Exclusively" means solely and without exception.

(10) "Foreign vessel" means a vessel registered in accordance with the laws of another state.

(11) "Houseboat" means any vessel as defined in RCW 88.02.010(1). For registration and certificate of ownership purposes, a houseboat does not include any building on a float used in whole or in part for human habitation as a single-family dwelling which is not powered by self propulsion by mechanical means or wind.

(12) "Identification documents" means the registration receipt and display permit issued under the authority of WAC 308-93-055 or 308-93-056.

(13) "Legal owner/secured party" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 88.02.070.

(14) "Lifeboat" means watercraft used exclusively for lifesaving purposes.

(15) "Manufacturer's statement of origin" (MSO) or "Manufacturer's certificate of origin" (MCO) means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance after manufacture.

(16) "Out of country vessel" means a vessel registered or numbered by the laws of a country other than the United States, or has a valid United States Customs Service Cruising License.

(17) "Overall length" means a straight-line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(18) "Paperless title" means electronic ownership record.

(19) "Person" includes every natural person, firm, copartnership, corporation, association or organization.

(20) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(21) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(22) "Release of interest" means the act of signing over any ownership in a vessel. A release of interest is also a notarized or certified document relinquishing interest in a vessel.

(23) "Renewal notice" and "special mailer" means the notice to renew a vessel registration mailed by the department to the owner.

(24) "Tender" means watercraft used exclusively to furnish transportation from a larger vessel to shore and return.

(25) "Time share charters" means leased vessels where none of the parties leasing the vessel under a "time share" option agreement is acquiring an equity in the vessel and there is no option to buy.

(26) "United States Customs Service Cruising License" means an annual certificate issued by U.S. Customs Service under 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance procedures, from payment of tonnage tax and clearance fees at all but the first port of entry.

(27) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(28) "Valid marine document" means a document issued by the United States Coast Guard which declares a vessel to be a documented vessel of the United States.

(29) "Vessel data form" means the form, approved by the department, completed by the applicant describing the vessel.

(30) "Waters of this state" means any waters within the territorial limits of this state.

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))~~ under 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.

NEW SECTION

WAC 308-93-055 Foreign vessels operating in this state—Identification document required. (1) 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 of use shall:

- (a) Obtain a two month identification document issued by the department, its agents or subagents on or by the sixty-first day. The second identification document shall be purchased on or by the one hundred twenty-first day of use in this state;
- (b) Indicate when the vessel first came into the state;
- (c) Pay a nonrefundable fee of twenty-five dollars plus a filing fee and subagent fee, if applicable, per identification document;
- (d) Provide proof of nonresidency by showing the vessel owner's out-of-state driver's license or out-of-state photo identification;
- (e) Provide proof of current foreign vessel registration or current United States Coast Guard certificate of documentation;
- (f) 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;
- (g) Keep the identification document placard and temporary registration on the vessel while on the waters of this state;

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

(2) If the vessel owner is not available, the person applying for the vessel identification document shall have a notarized/certified power of attorney from a registered owner of the vessel and a copy of the vessel owner's out-of-state driver's license or photo identification.

NEW SECTION

WAC 308-93-056 Out of country vessels operating in this state—Identification document required. (1) Beginning March 27, 1998, the owner of an out of country vessel having been issued a valid number or registration by a country other than the United States or a United States Customs Cruising License, whose vessel is remaining in this state for personal use or enjoyment for more than sixty days of use shall:

- (a) Obtain a permanent identification document issued by the department, its agents or subagents on or by the sixty-first day;
 - (b) Indicate when the vessel first came into the state;
 - (c) Pay a nonrefundable fee of twenty-five dollars plus a filing fee and subagent fee, if applicable;
 - (d) Provide proof the out of country vessel is currently registered or numbered, or a valid United States Customs Cruising License. Such proof may be, but is not limited to, the valid numbers or registration issued by a country other than the United States or a United States Custom Service Cruising License;
 - (e) Keep the identification document placard and registration on the vessel while on the waters of this state;
 - (f) Display the identification document placard in a location that is visible at all times from outside the vessel. The placard shall be protected from weathering.
- (2) If the vessel owner is not available, person(s) applying for the vessel identification document shall have a notarized/certified power of attorney from a registered owner of the vessel and a copy of the valid numbers or registration issued by a country other than the United States or a United States Custom Service Cruising License.
- (3) The identification document is valid as long as the vessel continues to be registered in a country other than the United States or has a United States Custom Service Cruising License. New owners may apply for a corrected vessel out of country registration listing the new owner's name and address. The new owner shall pay a nonrefundable fee of three dollars plus a filing fee and subagent fee, if applicable.

AMENDATORY SECTION (Amending WSR 92-24-035, filed 11/25/92, effective 12/26/92)

WAC 308-93-060 Registration period. The vessel registration period is July 1 of the current year through June 30 of the following year for purposes of chapter 88.02 RCW.

Any vessels registered for the first time in Washington will be assessed the registration fee for the registration period in which the vessel is registered. In addition, excise tax in the amount prescribed in chapter 82.49 RCW will be assessed

PROPOSED

through the current registration period ((in which the vessel is registered)).

~~When registering a vessel((s being registered)) in Washington for the first time and ((assigned)) assigning a registration period of eleven months or less ((shall have)) or transferring ownership of a vessel for which the registration has expired, the annual excise tax shall be reduced by one-twelfth for each full month of the registration period ((which has passed by the date when the vessel is registered in Washington)) they did not own or possess the vessel. The registration fee ((will)) shall not be abated ((for the registration period in which the vessel is registered).~~

When a transfer of ownership occurs on a vessel previously registered in this state and whose registration has expired, there is assessed a registration fee of six dollars for the current registration period and excise tax from the expiration date of the previous registration. If the person seeking registration verifies that the vessel was acquired subsequent to expiration of the previous registration, excise tax will be assessed from the date of acquisition through the current registration period in which the vessel is being registered).

NEW SECTION

WAC 308-93-069 Application for certificate of ownership/registration—Accompanied by. Vessel owners shall submit with their application for certificate of ownership or registration all proper fees and excise tax and the following documentation when appropriate:

- (1) Excise exemption affidavit; and/or
- (2) A copy of the bill of sale or sales agreement; and/or
- (3) Declaration of value form; and/or
- (4) Previous ownership document properly released; and/or
- (5) Proof of sales tax paid; and/or
- (6) Manufacturer's statement of origin, factory invoice, or carpenter certificate; and/or
- (7) Release of interest form; and/or
- (8) Other verification of ownership approved by the department to include:
 - (a) A judgment from a district or superior court of any county of this state awarding ownership; or
 - (b) Document from an involuntary divestiture sale or auction; and/or
 - (c) Copy of certificate of documentation of vessel issued by the United States Coast Guard.
- (10) Upon application for a vessel certificate of ownership an authorized agent or employee shall verify the application and supporting documents to ensure accuracy. If all requirements are not met, an authorized agent or employee shall refuse to accept the application.
- (11) When the application has been received, the department may recheck the application. If there is an error which precludes issuance of the certificate of ownership the department shall delay issuance of certificate of ownership until proper documentation has been received.

AMENDATORY SECTION (Amending WSR 96-04-004, filed 1/25/96, effective 2/25/96)

WAC 308-93-070 Application for ((title/ registration)) certificate of ownership/registration—Contents. ((1) An application for certificate of ownership or registration of a vessel shall be completed and shall include:

- (a) The names, addresses, and department assigned customer account numbers for all owners of the vessel being registered including lessees and lessors, and legal owners if applicable.
- (b) Make, model year and length of vessel.
- (c) Type of power (gasoline, diesel, propane, other, etc.).
- (d) Primary use.
- (e) Primary method of propulsion (inboard, outboard, inboard/outboard, jet, sail, other, etc.).
- (f) Type of vessel (open, cabin, house, or other).
- (g) Primary vessel construction (fiberglass, wood, aluminum, etc.).
- (h) County of moorage.
- (i) United States Coast Guard issued number, if any.
- (j) Purchase price and purchase year of vessel or declared value and year of declaration. Purchase price includes the price purchaser paid for the vessel, vessel motor, or engine, and all other equipment and accessories, excluding boat trailers, purchased in a single transaction.
- (k) Hull identification number.
- (l) Vessel registration numbers previously issued by any issuing authority, if any.
- (m) That the application is for a new number, renewal or transfer of ownership.
- (n) State in which vessel is or will be principally used.
- (o) United States Coast Guard document number, if applicable.
- (2) Name and address of all persons perfecting a security interest (legal owner), except for United States Coast Guard documented vessels, or a certified statement by the registered owner that the vessel is free of all liens.
- (3) In the event a vessel is homemade, the registered owner must complete and sign a declaration of value form.
- (4) The names of all owners will appear on the application for registration and title. The application must be signed by all registered owner applicants. Signature must be notarized or certified by an authorized license agent.
- (5) The application for certificate of ownership or registration shall be accompanied by the following where applicable:
 - (a) A copy of the bill of sale or sales agreement.
 - (b) Declaration of value form.
 - (c) All proper fees and excise tax.
 - (d) Previous ownership document properly released.
 - (e) Excise exemption affidavit.
 - (f) Proof of sales tax paid.
 - (g) Manufacturer's statement of origin or original factory invoice.
 - (h) Copy of carpenter certificate.
 - (i) Release of interest form.
 - (j) Other verification of ownership.

~~(k) Copy of certificate of ownership of vessel issued by United States Coast Guard.~~

~~(6) An application made for a vessel to be leased or rented without propulsion machinery will indicate "other" for type of power in subsection (1)(c) of this section and for primary method of propulsion in subsection (1)(e) of this section.)) (1) When Washington becomes the new state of principal use, Washington shall recognize the validity of a vessel number issued by any other issuing authority for a period of sixty days before requiring numbering in this state.~~

~~(2) Vessel owners applying for certificate of ownership or registration of a vessel shall submit an application, which includes:~~

~~(a) Expiration date of the certificate of registration;~~

~~(b) The name of each owner of the vessel and if the vessel is subject to security interest, the name of each secured party;~~

~~(c) The department assigned customer account number for each owner of the vessel including secured parties if available;~~

~~(d) The address at which one of the owners regularly receives mail;~~

~~(e) The mailing address of the first secured party;~~

~~(f) The Washington registration number if assigned;~~

~~(g) Make and model year;~~

~~(h) Length of vessel;~~

~~(i) Type of power (gasoline, diesel, etc.);~~

~~(j) Primary use (commercial, pleasure, etc.);~~

~~(k) Primary method of propulsion (inboard, sail, etc.);~~

~~(l) Type of vessel (runabout, cabin, etc.);~~

~~(m) Primary vessel construction (fiberglass, wood, etc.);~~

~~(n) County of moorage;~~

~~(o) Hull identification number, if one has been assigned;~~

~~(p) Latest purchase price and purchase year or, if the vessel was not acquired by purchase, a declaration of value and year of declaration. For the purposes of this section, purchase price or declared value includes the vessel, vessel motor, or engine, and all other equipment and accessories, excluding a boat trailer, purchased or acquired in a single transaction;~~

~~(q) United States Coast Guard document number, if applicable.~~

~~(3) Upon original application for certificate of ownership/registration of a homemade vessel, the owner shall complete and sign a declaration of value form. The owner's signature shall be notarized/certified in accordance with WAC 308-93-470.~~

AMENDATORY SECTION (Amending WSR 92-24-035, filed 11/25/92, effective 12/26/92)

WAC 308-93-071 Class "A" and Class "B" ((titles)) certificate of ownership. From June 30, 1985, through June 30, 1990, there were two classes of vessel ((titles)) certificate of ownership: Class "A" and Class "B."

Effective July 1, 1990, the "A" and "B" classifications of vessel ((titles)) certificate of ownership were discontinued. All vessel ((titles)) certificate of ownership, regardless of any classification previously assigned are considered to be exclusive evidence of ownership unless a person can provide suffi-

cient evidence the certificate of ((title)) ownership was issued in error or is invalid for some other reason.

AMENDATORY SECTION (Amending Order TL/RG 25, filed 5/7/86)

WAC 308-93-073 New vessels. Application for certificate of ((title)) ownership to a ((new)) vessel never before licensed or titled ((or sold by an in-state or out-of-state dealer or manufacturer must)) shall be accompanied by a manufacturer's statement of origin, carpenter's certificate, or a copy of the factory invoice.

((If the date of sale shown on the manufacturer's statement of origin, carpenter's certificate, or factory invoice was prior to July 1, 1985, a UCC search with appropriate releases must also accompany the application.))

(1) The manufacturer's statement of origin, carpenter's certificate, or factory invoice must reflect the model year, make, length and hull identification number of the vessel.

~~((1) No)) (2) The department shall not accept any manufacturer's statement of origin, carpenter's certificate, or factory invoice ((can be accepted)) for the issuance of a ((title)) certificate of ownership unless all persons named((including dealers,)) on the manufacturer's statement of origin, including dealers, have released or assigned their interest thereon, or on a ((department)) release of interest form approved by the department.~~

~~((2)) (3) Dealer to dealer transfers may be accomplished either by appropriate endorsement of the manufacturer's statement of origin, carpenter's certificate, or factory invoice, or ((by a department)) release of interest form approved by the department. A complete chain of ownership ((must)) shall be reflected from the original dealer named on the manufacturer's statement of origin to the retail selling dealer making the application.~~

~~((3)) (4) A copy of the factory invoice may be used in lieu of the manufacturer's statement of origin or carpenter's certificate only when such documents are not available and obtaining a replacement from the manufacturer would cause an undue amount of delay in titling the vessel. ((An affidavit of fact describing why the statement of origin or carpenter's certificate is not available must be attached to the photocopy of the factory invoice.)) A certificate of fact describing why the statement of origin or carpenter's certificate is not available shall be accompanied by the photocopy of the factory invoice and any necessary releases of interest on a form approved by the department.~~

AMENDATORY SECTION (Amending Order TL/RG 25, filed 5/7/86)

WAC 308-93-078 Temporary ((permits)) use of an unregistered vessel. ((A notarized bill of sale reflecting the name and address of the purchaser, the model year, make, and hull identification number of the vessel, and the date of sale, may be used as a temporary permit in lieu of the registration certificate for a period not to exceed 15 days from the date of sale reflected on the bill of sale. The notarized bill of sale must be carried on the vessel.)) A purchaser of an unregistered vessel may operate the vessel on Washington waters

PROPOSED

for fifteen consecutive days from the date of purchase using the notarized bill of sale in lieu of a registration certificate. The notarized bill of sale shall be carried on the vessel and contain:

- (1) The name and address of the purchaser;
- (2) The model year, make, and hull identification number of the vessel;
- (3) The date of sale; and
- (4) The name, address and signature of the seller.

AMENDATORY SECTION (Amending WSR 92-24-035, filed 11/25/92, effective 12/26/92)

WAC 308-93-285 Vessel length measurement. (1)

The length of a vessel first provided by the owner on application for certificate of ownership ~~((may not be changed without verification of remeasurement, except when incorrectly entered by the department. The vessel length measurement provided by the owner))~~ shall be rounded down to the nearest whole foot.

~~((2) Any vessel owner may request the vessel length measurement to be modified by making application for a new certificate of ownership reflecting a new measurement. The application must include a written verification of the new measurement by:~~

~~(a) A copy of the vessel's MSO or other document from the vessel manufacturer providing length measurement specifications for that model vessel; or~~

~~(b) An official measurement provided on a letterhead document from a law enforcement agency, a port agency, or from the United States Coast Guard and verified with a signature of a representative of that agency.)~~ Vessel measurement shall be from the tip of the bow to the stern of the vessel down the centerline but not including boomkins, swim ladders, outboard engines, or other extremities.

(2) Changing the recorded vessel length, except when incorrectly entered by the department requires:

(a) Verification of remeasurement on official letterhead document including the vessel description and signed by a representative of:

- (i) A law enforcement agency; or
- (ii) A port agency; or
- (iii) The United States Coast Guard; or
- (iv) Authorized representatives of the department.

(b) Documentation from the vessel manufacturer providing the correct length for that model vessel.

AMENDATORY SECTION (Amending Order TL-RG-2, filed 6/21/84)

WAC 308-93-350 ~~((Incorrect endorsements or))~~ Erasures and alterations and incorrect information. (1) ~~((If a certificate of title or application has been signed in error, a line must be drawn through the erroneous signature. An affidavit must be attached to explain when, why and by whom the signature was stricken. A release of interest is required from the person signing in error unless that person has signed the affidavit.~~

~~(2) If an erasure has been made on a certificate of title or application, an affidavit must be attached. The affidavit must~~

~~state why and by whom the erasure was made. A release of interest must be signed by the one whose name was erased if the identity of the person can be determined.~~

~~(3) A name erroneously shown on the title as the purchaser must have either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed.)~~ The department may refuse to accept any certificate of ownership when ownership or vessel information has been altered. A replacement ownership document may be required.

(2) The department may require an affidavit explaining any erasure or alteration on the application, certificate of ownership, or any supporting documentation.

(3) The department may require a notarized/certified release of interest when:

(a) A signature or name that has been altered or erased appears on an application; or

(b) A security interest is named to be shown on the new certificate of ownership and the applicant claims there is no lien; or

(c) A security interest is shown incorrectly or is altered on the application for certificate of ownership. In lieu of a release of interest, Washington licensed vessel dealers may attach an affidavit explaining the error in the security interest.

AMENDATORY SECTION (Amending Order TL-RG-19, filed 11/19/85)

WAC 308-93-360 Application for ~~((title))~~ certificate of ownership required. An application for certificate of ~~((title))~~ ownership is required when:

(1) ~~((Whenever the ownership of a vessel changes;~~

(2) ~~When there is a legal change of name of the registered or legal owner of a vessel;~~

(3) ~~When there is a change of name of a business entity owning a vessel;~~

(4) ~~When a proprietorship or partnership forms a corporation whether or not a business name is changed;~~

(5) ~~When a proprietorship or partnership purchases a corporation which will no longer be operated as a corporation whether or not the business name is changed;~~

(6) ~~Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value in the case of reissue applications;~~

(7) ~~Whenever the hull identification number is changed;~~

(8) ~~Whenever a second legal owner is to be added to the certificate of title. The application shall show the address of only the first named legal owner;~~

(9) ~~Whenever a vessel is to be registered for the first time as required by chapter 88.02 RCW, except for a vessel having a valid marine document as a vessel of the United States.)~~ A person purchases a new vessel unless otherwise exempt from chapter 88.02 RCW.

(2) There is a change of ownership due to:

(a) Sale;

(b) Gift;

(c) Inheritance;

(d) Trade;

(e) Addition or deletion of an owner;

(f) Proprietorship or partnership forming a corporation, whether or not the business name is changing; or

(g) Proprietorship or partnership purchasing a corporation which will no longer be operated as a corporation, whether or not the business name is changed.

(3) There is a name change of:

(a) The owner;

(b) The secured party; or

(c) A business entity as shown on the current certificate of ownership.

(4) There is no change in the owner of the vessel but the certificate of ownership needs to be reissued because:

(a) A lien has been satisfied and the lien holder's name needs to be removed;

(b) A lien holder's name needs to be added. If a secondary lien holder is being added, the address of only the primary lien holder will be recorded;

(c) There is a change of lien holders;

(d) There has been a structural change in the vessel that changes the physical description of the vessel on the current certificate of ownership; or

(e) The vessel hull identification number has been altered, or removed, or needs to be corrected on the vessel or on the certificate of ownership.

AMENDATORY SECTION (Amending Order TL-RG-19, filed 11/19/85)

WAC 308-93-620 Hull identification number required. ~~((No person shall operate a boat on the waters of this state for which registration and titling is required unless such boat has a hull identification number or application for such number has been made. Hull identification numbers must be clearly imprinted, or otherwise permanently affixed to the outboard side of the transom, or if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism above the waterline of the boat in such a way that alteration, removal or replacement would be obvious or evident. No)) (1) A person shall not operate a vessel on the waters of this state for which registration or titling is required unless the vessel has a hull identification number.~~

(2) The department may assign an appropriate hull identification number to a vessel when there is no hull identification number on the vessel. A hull identification number shall be clearly imprinted, or otherwise permanently affixed above the waterline of the vessel in such a way that alteration, removable or replacement would be obvious or evident. The hull identification number minimum height shall be 1/4 of an inch and shall be placed on:

(a) The outboard side of the transom; or

(b) The outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, if there is no transom.

(3) A person, firm, association or corporation shall not destroy, remove, alter, cover, or deface the hull identification number.

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 in any 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 shall obtain a two-month vessel identification document issued by the department, its agents or subagents in accordance with WAC 308-93-055.

(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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-93-074	Application for titles--Commercial fishing vessels.
WAC 308-93-075	Inspection of certificate.
WAC 308-93-080	Registration certificate.
WAC 308-93-085	Contents of a certificate of registration.
WAC 308-93-300	Original applications--Renewals--Fees--Preissuance, when.
WAC 308-93-330	Certificate of title--Application.
WAC 308-93-420	Special mailing.
WAC 308-93-630	Assignment of hull identification number.

WSR 98-13-054

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed June 11, 1998, 2:30 p.m.]

Please withdraw WAC 388-436-0050, proposed on May 19, 1998, as part of WSR 98-11-084. Feel free to call 902-8122 with any questions or comments.

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

PROPOSED

WSR 98-13-059
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed June 11, 1998, 3:28 p.m.]

Continuance of WSR 98-10-122.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-26-110 Certification—Actions required.

Purpose: This rule pertains to actions taken on certifications.

Name of Proponent: Department of Personnel.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 9, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 2, 1998, TDD (360) 753-4107 or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by July 7, 1998.

Date of Intended Adoption: July 9, 1998.

June 11, 1998

Dennis Karras

Secretary

WSR 98-13-070
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed June 15, 1998, 1:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-09-076.

Title of Rule: Camping resorts fees.

Purpose: To adjust fees in order to defray the cost of administering the camping resort program.

Statutory Authority for Adoption: RCW 19.105.411, 43.24.086, chapter 346, Laws of 1998.

Statute Being Implemented: RCW 19.105.411, 43.24.086.

Summary: The camping resort rule amendment proposes to adjust fees to cover the actual cost of doing business as required by RCW 43.24.086, which requires each business and profession program to be self-supporting.

Reasons Supporting Proposal: The fee adjustment will assist in reducing the revenue deficit in administering the issuance of camping resort licenses.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Schneider, Department of Licensing, Olympia, Washington, (360) 586-4575.

Name of Proponent: Department of Licensing, Business and Professions Division, Camping Resorts Section, P.O. Box 9020, Olympia, WA 98507-9020, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The camping resort rule amendment proposes to adjust fees to cover the actual cost of doing business as required by RCW 43.24.086, which requires each business and profession program to be self-supporting. The fee adjustment will assist in reducing the revenue deficit in administering the issuance of camping resort licenses.

Proposal Changes the Following Existing Rules: Changes fees.

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

Small Business Economic Impact Statement

Proposed amendment to WAC 308-420-240 Camping resorts fees and charges.

Background: The Department of Licensing, Business and Professions Division, is proposing licensing and renewal fee increases for camping resorts.

RCW 43.24.086 states that all professional licensing programs are to be self-supporting. A review of the budget/revenue for the 97-99 biennium shows that the camping resorts program is not meeting that criteria and will continue to have less revenue than allotment in the future.

Summary of Amendments: Currently there are eight camping resorts licensed in Washington state. All new businesses will pay an additional \$240 original registration fee and a fee of \$40 for each additional camping resort in the state. Existing licensees will pay an additional \$80 annual renewal and \$30 for renewal of each additional resort in the state.

Recordkeeping and Compliance: No impact to reporting, recordkeeping and other compliance requirements of the proposed rule to small business.

Professional Services Needed: No impact to professional services or use.

Industry Impacted: The industry affected will be the sporting and recreational camps. The industry has a total of eight businesses, five of which are small.

Cost of Compliance: The gross business income for all eight licensees is \$7,645,526 based upon information from the Department of Revenue. The average cost per \$100 of sales is \$0.01. See spreadsheet below for break down of cost to each business.

Comparison of Cost: Cost per \$100 of sales is negligible for both large and small businesses.

Agency Name		Gross Business Income	Cost Per \$100 Sales	Additional Sites
Business # 1	large	\$373,752.00	\$0.05	add'l 3 sites
Business # 2	large	\$296,700.00	\$0.13	add'l 10 sites
Business # 3	large	\$2,545,367.00	\$0.01	add'l 3 sites

PROPOSED

Business # 4	\$0.00	\$0.00	
Business # 5	\$1,069,696.00	\$0.02	add'l 4 sites
Business # 6	\$0.00	\$0.00	
Business # 7	\$595,301.00	\$0.01	
Business # 8	\$2,764,710.00	\$0.01	add'l 4 sites
Total Average Cost Per Business	\$7,645,526.00	\$0.01	

A copy of the statement may be obtained by writing to Department of Licensing, Business and Professions Division, Camping Resorts Section, P.O. Box 9020, Olympia, WA 98507-9020, phone (360) 586-4575, FAX (360) 664-2550.

RCW 34.05.328 does not apply to this rule adoption. Exempt from RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Licensing, Business and Professions Division, Conference Room #1, 405 Black Lake Boulevard, Olympia, WA 98507, on July 21, 1998 at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Michael Schneider by July 14, 1998, TDD (360) 586-2788, or (360) 586-4575.

Submit Written Comments to: Michael Schneider, Department of Licensing, Business and Professions, Camping Resorts Section, P.O. Box 9020, Olympia, WA 98507-9020, FAX (360) 664-2550, by July 14, 1998.

Date of Intended Adoption: July 22, 1998.

June 8, 1998

Mary Jelvik
Administrator

AMENDATORY SECTION (Amending WSR 91-01-082, filed 12/17/90, effective 1/17/91)

WAC 308-420-240 Fees and charges. The following fees shall be paid under the provisions of chapter 19.105 RCW:

(1) **Registration fees:** Applicants filing an original registration shall pay a basic fee of (~~three thousand dollars~~) **\$3,240.00** for one camping resort. For each additional camping resort in this state a fee of (~~(\$500.00)~~) **\$540.00** shall be paid.

(2) **Contract fees:** In addition to the registration fees, registrants shall pay fees for each grouping of contracts in the registration as provided in the following schedule:

- (a) One to five hundred contracts - \$500.00.
- (b) Each additional 500 contracts, or fraction thereof \$100.00 shall be paid.

(3) **Renewal fees:** Each application for an annual renewal shall be accompanied by a fee of (~~one thousand dollars~~) **\$1,080.00** for one resort plus (~~three hundred fifty dollars~~) **\$380.00** for each additional resort in this state, plus the prescribed contract fees in subsection (2) of this section for each grouping of contracts authorized for sale during the registration period. A late fee of eight hundred dollars shall be assessed.

(4) Fees for amending registration and public offering statements:

(a) For each amendment of registration or the public offering statement, pursuant to RCW 19.105.420, not requiring an examination of documentation for adding campgrounds or additional contracts to the registration, a fee of fifty dollars shall be paid.

(b) Amendment for the establishment of an additional campground into the registration, for which an examination of documentation is required exclusive of any other fees owed under this rule, a fee of one thousand five hundred dollars shall be paid. A penalty fee of one hundred dollars shall be assessed and paid for failure to file an amendment within 30 days of the occurrence of a material change as defined in WAC 308-420-030 or 308-420-040.

(5) **Fees for impounds, escrows, trusts and depositories:** For each impound, escrow, trust, or other arrangement requiring agency monitoring for purposes of satisfying the provisions of RCW 19.105.340 and 19.105.350, the initial fee for establishing the impound, escrow, trust or other arrangement shall be two hundred fifty dollars and the fee for each required periodic report shall be twenty dollars.

(6) Fees and advertisement filings:

(a) For each individual advertisement filed with the department, there shall be a fee of fifty dollars paid at the time of the initial submission of the advertisement to the department. Should a registrant fail to submit a required filing of an advertisement or advertisements in a timely manner, the fifty dollar fee for each advertisement shall be collected from the registrant, even if the advertisement or advertisements at issue are no longer in use or being disseminated.

(b) Registrants or applicant submitting an advertisement or advertisements involving no examination of campground instruments and which are for the purpose of marketing surveys or feasibility studies shall pay a fee of seventy-five dollars.

(7) **Inspection fees:** Applicants and registrants shall pay the costs of site inspections. The inspection fee shall be paid within 30 days of the inspection. The inspection fee shall be the actual cost to the agency for conducting the inspection. The inspection fees must be paid prior to the processing of a registration, a renewal of registration, or amendment seeking addition of a campground to a program.

(8) **Salesperson fees:** Applicants for registration as camping resort salespersons shall pay an initial application renewal, or transfer fee of one hundred dollars. Failure to renew a salesperson registration within 30 days after expiration shall result in termination of the registration and a new application for registration must be made. A duplicate registration fee is \$35.00.

(9) **Fees for exemptions and exemption applications:** For a review of an application for exemption under RCW 19.105.320(2), the applicant shall submit a fee of one hundred fifty dollars. If the exemption request is denied, the registrant shall be given credit for the one hundred fifty dollars fee submitted toward the registration fee under subsection (1) of this section.

(10) All fees are nonrefundable after the application has been received.

PROPOSED

(11) All fees shall be paid to the order of the Washington state treasurer.

WSR 98-13-077
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(By the Code Reviser's Office)

[Filed June 16, 1998, 8:00 a.m.]

WAC 388-15-215 and 388-97-235, proposed by the Department of Social and Health Services in WSR 97-24-081 appearing in issue 97-24 of the State Register, which was distributed on December 17, 1997, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 98-13-080
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 16, 1998, 11:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-20-120.

Title of Rule: WAC 388-400-0045 Food assistance program, and 388-436-0050 Determining financial need and benefit amount for CEAP.

Purpose: Both of these rules are part of the rewrite undertaken by the program simplification team to consolidate and simplify program and eligibility requirements for cash, food, and medical assistance to comply with criteria in the Governor's Executive Order 97-02.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.090.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.090.

Summary: WAC 388-400-0045, summarizes the program requirements for a client to apply for and receive benefits under the food assistance program (FAP). WAC 388-436-0050, sets the eligibility standards for clients to receive benefits under the cash emergency assistance program.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Roxie Schalliol, 14th and Jefferson, Mailstop 45070, Olympia, 98504, (360) 902-7791.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules are part of the rewrite undertaken by the

program simplification team to consolidate and simplify program and eligibility requirements for cash, food, and medical assistance to comply with criteria in the Governor's Executive Order 97-02. WAC 388-400-0045, summarizes the program requirements for a client to apply for and receive benefits under the food assistance program (FAP). WAC 388-436-0050, sets the eligibility standards for clients to receive benefits under the cash emergency assistance program.

Proposal does not change existing rules.

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

RCW 34.05.328 does not apply to this rule adoption. This rule is not considered a significant rule because it does not change existing policy.

Hearing Location: There will be two hearings held on July 21, 1998, one in Olympia and one in Spokane. Maps and/or directions are available for both locations.

Olympia Hearing: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, at 10:00 a.m.

Spokane Hearing: DSHS/DDD-Field Services, West 1611 Indiana, Training Room, Spokane, WA 99205, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Paige Wall by July 12, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by July 21, 1998.

Date of Intended Adoption: July 28, 1998.

June 15, 1998

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

NEW SECTION

WAC 388-400-0045 Food assistance program for legal immigrants (FAP)—General eligibility requirements. (1) A legal immigrant meets alien status eligibility for the state-funded food assistance program if the immigrant:

(a) Meets those alien status requirements of the Food Stamp Act of 1977 in effect prior to August 22, 1996;

(b) Is not eligible for federal food stamps solely due to the immigrant provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, as amended. The immigrant must meet alien status rules under WAC 388-424-0025.

(2) FAP provides the same amount of benefits as the federal food stamp program. Some assistance units may receive a combined benefit of both state and federal food stamps. Food assistance benefit levels are found in WAC 388-478-0060.

(3) FAP follows the same eligibility rules, except for alien status, as the federal food stamp program. The federal food stamp program summary is found in WAC 388-400-0040.

PROPOSED

NEW SECTION

WAC 388-436-0050 Determining financial need and benefit amount for CEAP. (1) To be eligible for CEAP assistance, the assistance unit's nonexcluded income, minus allowable deductions, must be less than ninety percent of the TANF payment standard for households with shelter costs. The net income limit for CEAP assistance units is:

Assistance Unit Members	Net Income Limit
1	\$ 314
2	396
3	491
4	577
5	666
6	756
7	873
8 or more	967

(2) The assistance unit's allowable amount of need is the lesser of:

(a) The TANF payment standard, based on assistance unit size, for households with shelter costs as specified under WAC 388-478-0020; or

(b) The assistance unit's actual emergent need, not to exceed maximum allowable amounts, for the following items:

Need Item: Maximum allowable amount by assistance unit size:

	1	2	3	4	5	6	7	8 or more
Food	\$211	\$268	\$332	\$391	\$450	\$511	\$583	\$645
Shelter	258	325	404	476	548	621	719	795
Clothing	30	38	47	56	64	73	83	94
Minor Medical Care	179	228	282	332	382	432	501	554
Utilities	87	110	136	160	184	210	243	268
Household main-tenance	64	81	100	118	136	155	178	197
Job related transportation	349	440	546	642	740	841	971	1075

(3) The assistance unit's CEAP payment is determined by computing the difference between the allowable amount of need, as determined under subsection (2) of this section, and the total of:

(a) The assistance unit's net income, as determined under subsection (1) of this section;

(b) Cash on hand, if not already counted as income; and

(c) The value of other nonexcluded resources available to the assistance unit.

(4) The assistance unit is not eligible for CEAP if the amount of income and resources, as determined in subsection (3) of this section, is equal to or exceeds its allowable amount of need.

WSR 98-13-081
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 (Division of Child Support)
 [Filed June 16, 1998, 11:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-23-038.

Title of Rule: The Division of Child Support's (DCS) license suspension program, WAC 388-14-510 What is the Division of Child Support's License Suspension Program? WAC 388-14-520 The notice of noncompliance and intent to suspend licenses. WAC 388-14-530 Who is subject to the DCS license suspension program? WAC 388-14-540 How do I avoid having my license suspended for failure to pay child support? WAC 388-14-550 Signing a repayment agreement will avoid certification for noncompliance. WAC 388-14-560 How to obtain a release of certification for noncompliance. WAC 388-14-570 Administrative hearings regarding license suspension are limited in scope.

Purpose: These rules establish the policy and procedure for the DCS license suspension program established by RCW 74.20A.320, whereby DCS will certify a noncustodial parent to the Department of Licensing or other appropriate licensing agency as someone who is not in compliance with a child support order.

Statutory Authority for Adoption: RCW 74.20A.320(10).

Statute Being Implemented: RCW 74.20A.320.

Summary: This issuance sets forth the policy and procedure for the DCS license suspension program, explains the certification process, explains how to avoid being certified for license suspension, and explains how to obtain a release from certification by complying with the support order.

Reasons Supporting Proposal: State legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, Division of Child Support Headquarters, P.O. Box 9162, Olympia, WA 98507-9162, (360) 644-5065.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules set forth the policy and procedures for the DCS license suspension program, explains the certification process, explains how to avoid being certified for license suspension, and explains how to obtain a release from certification by complying with the support order.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not meet the requirements for a small business economic impact statement.

RCW 34.05.328 applies to this rule adoption. This is a significant legislative rule under RCW 34.05.328, but is exempt under RCW 34.05.328 (5)(b)(vii).

PROPOSED

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 21, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by July 12, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by July 21, 1998.

Date of Intended Adoption: July 28, 1998.

June 8, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-14-510 What is the division of child support's license suspension program? (1) RCW 74.20A.320 provides that, in some circumstances, the division of child support (DCS) may certify a responsible parent as someone who is not in compliance with a child support order.

(a) "Certify" means to establish that the parent is not in compliance with a child support order and to ask the department of licensing and other state licensing entities to take appropriate action against licenses held by the noncustodial parent.

(b) "Responsible parent" is defined in WAC 388-11-011(22). The responsible parent is also called the "noncustodial parent."

(2) "Noncompliance with a child support order" is defined in RCW 74.20A.020(18) and in WAC 388-14-530(2).

(3) When DCS certifies the noncustodial parent, the department of licensing or other licensing entities take action to deny, suspend, or refuse to renew the noncustodial parent's license, according to the terms of RCW 74.20A.320 (8) and (12).

(4) This section and sections WAC 388-14-520 through 388-14-570 cover the DCS license suspension program.

(5) DCS may certify a noncustodial parent who is not in compliance with a child support order to the department of licensing or any appropriate licensing entity. In determining which licensing entity receives the certification, DCS shall consider:

(a) The number and kind of licenses held by the parent; and

(b) The effect that suspension of a particular license will have in motivating the parent to pay support or to contact DCS to make appropriate arrangements for other relief.

(6) DCS may certify a parent to any licensing agency through which it believes the parent has obtained a license. DCS may certify a parent to as many licensing agencies as DCS feels necessary to accomplish the goals of the license suspension program.

NEW SECTION

WAC 388-14-520 The notice of noncompliance and intent to suspend licenses. (1) Before certifying a noncustodial parent for noncompliance, the division of child support (DCS) must serve the noncustodial parent with a notice of noncompliance and intent to suspend licenses. This notice tells the noncustodial parent that DCS intends to submit the parent's name to the department of licensing and any other appropriate licensing entity as a licensee who is not in compliance with a child support order.

(2) The notice must be served by certified mail, return receipt requested. If DCS is unable to serve the notice by certified mail, DCS must serve the notice by personal service, as provided in RCW 4.28.080.

(3) The notice must include a copy of the noncustodial parent's child support order and must contain the address and phone number of the DCS office which issued the notice.

(4) The notice must contain the information required by RCW 74.20A.320(2), telling the noncustodial parent that:

(a) The noncustodial parent may request an administrative hearing, but that the hearing is limited in scope (see WAC 388-14-570);

(b) DCS will certify the noncustodial parent unless the parent makes a request for hearing within twenty days of the date of service of the notice;

(c) The noncustodial parent may avoid certification by agreeing to make timely payments of current support and agreeing to a reasonable payment schedule on the support debt;

(d) Certification by DCS will result in suspension or nonrenewal of the parent's license by the licensing entity until DCS issues a release stating that the parent is in compliance with the child support order;

(e) Suspension of a license may affect the noncustodial parent's insurance coverage, depending on the terms of any policy;

(f) Filing a petition to modify the support obligation may stay (or put a hold on) the certification process; and

(g) Even after certification, the parent may obtain a release from certification by complying with the support order.

NEW SECTION

WAC 388-14-530 Who is subject to the DCS license suspension program? (1) The division of child support (DCS) may certify a person as being in noncompliance with a child support order when:

(a) The person is required to pay child support under a court order or administrative order;

(b) The person is at least six months in arrears; and

(c) The person is not:

(i) In jail or prison, except if the person has other resources available;

(ii) A recipient of temporary assistance for needy families (TANF), Supplemental Security Income (SSI) or other exempt public assistance program; or

(iii) A WorkFirst participant who does not receive a cash grant.

PROPOSED

PROPOSED

(d) The person is not currently making payments to the Washington state support registry under a wage withholding action issued by DCS.

(2) "Noncompliance with a child support order" for the purposes of the license suspension program means a noncustodial parent has:

(a) Accumulated a support debt, also called an arrearage or arrears, totaling more than six months of child support payments;

(b) Failed to make payments pursuant to a written agreement with DCS towards a support debt in an amount that exceeds six months of payments; or

(c) Failed to make payments required by a superior court order or administrative order towards a support debt in an amount that exceeds six months of payments.

(3) There is no minimum dollar amount for the six months of arrears. The following are examples of when a parent is at least six months in arrears:

(a) The child support order requires monthly payments of five hundred dollars. The noncustodial parent has not made a single payment since the order was entered seven months ago. This noncustodial parent is at least six months in arrears;

(b) The child support order requires monthly payments of one hundred dollars. The noncustodial parent has paid for the last few months, but owes a back debt of over six hundred dollars. This noncustodial parent is at least six months in arrears;

(c) The noncustodial parent owes a support debt according to a superior court judgment, which requires payments of one hundred dollars per month. The noncustodial parent has not made payment for eight months. This noncustodial parent is at least six months in arrears; or

(d) The child support order required monthly payments of two hundred dollars, but the child is over eighteen so no current support is owed. However, the noncustodial parent has a debt of over twelve hundred dollars. This noncustodial parent is at least six months in arrears.

(4) For the purposes of the license suspension program, a noncustodial parent is in compliance with the child support order when the amount owed in arrears is less than six months' worth of support.

NEW SECTION

WAC 388-14-540 How do I avoid having my license suspended for failure to pay child support? (1) DCS will stay certification action if the noncustodial parent takes the following action within twenty days of service of the notice:

(a) Requests an administrative hearing under WAC 388-14-570; or

(b) Contacts DCS to negotiate a reasonable payment schedule on the arrears and agrees to make timely payments of current support.

(i) The stay for negotiation may last a maximum of thirty calendar days after the parent contacts DCS; and

(ii) If no payment schedule has been agreed to in writing after thirty calendar days have passed, DCS may proceed with certification of noncompliance;

(iii) A reasonable payment schedule is described in WAC 388-14-550, below; and

(iv) The noncustodial parent may request a conference board review under WAC 388-14-385 if the parent feels that DCS has not negotiated in good faith.

(2) If the noncustodial parent files a court or administrative action to modify the child support obligation, the certification action is stayed.

(3) The stay for modification action shall not exceed six months unless DCS finds good cause to extend the stay.

(4) The noncustodial parent must notify DCS that a modification proceeding is pending and must provide a copy of the motion or request for modification to DCS.

NEW SECTION

WAC 388-14-550 Signing a repayment agreement will avoid certification for noncompliance. (1) If a noncustodial parent signs a repayment agreement, the certification action must be stayed. The noncustodial parent must agree to pay current support in a timely manner and to make regular payments on the support debt.

(2) The repayment agreement must state that If a noncustodial parent fails to make payments under the terms of the agreement, DCS may resume certification action.

(3) In setting the repayment amount, DCS must take into account the financial situation of the noncustodial parent and the needs of all children who rely on the noncustodial parent for support. The noncustodial parent must supply sufficient financial information to allow DCS to analyze and document the parent's financial situation and requirements, including normal living expenses and emergencies.

(4) A reasonable monthly arrears payment is defined as a percentage of the noncustodial parent's "adjusted net income," which is the parent's net monthly income minus any current support obligation. The following table sets forth the suggested monthly payments on arrears:

Monthly Adjusted Net Income (ANI)	Monthly Arrears Payment = Percentage of ANI
\$1,000 or less	2%
\$1,001 to \$1,200	3%
\$1,201 to \$1,500	4%
\$1,501 to \$1,900	5%
\$1,901 to \$2,400	6%
\$2,401 to \$3,000	7%
\$3,001 or more	8%

(5) Examples of how to calculate the arrears payment are as follows:

(a) Monthly Net income	= \$1,500
Current support	= \$ 300
Adjusted Net Income	= \$1,200
Arrears payment = 3% of ANI (\$1,200)	= \$36
(b) Monthly Net income	= \$3,100
Current support	= \$-0-
Adjusted Net income	= \$3,100

Arrears payment = 8% of ANI (\$3,100) = \$248

(6) The noncustodial parent must document any factors which make the parent eligible for an arrears payment less than the amount shown in the table in subsection (4). Such factors include, but are not limited to:

- (a) Special needs children, or
- (b) Uninsured medical expenses.

(7) The custodial parent and/or DCS must document any factors which make the noncustodial parent eligible for an arrears payment higher than the amount shown in the table in subsection (4). Such factors include, but are not limited to the factors listed in RCW 26.19.075 for deviation from the standard calculation for child support obligations.

NEW SECTION

WAC 388-14-560 How to obtain a release of certification for noncompliance. (1) After DCS has certified a noncustodial parent to a licensing entity, the noncustodial parent may obtain a release from DCS by taking the following actions:

- (a) Paying the support debt in full; or
- (b) Signing a repayment agreement under 388-14-550 and paying the first installment due under the agreement.
- (2) DCS must provide a copy of the release to any licensing entity to which DCS has certified the noncustodial parent.
- (3) The noncustodial parent must comply with any requirements of the licensing entity to get the license reinstated or reissued.

NEW SECTION

WAC 388-14-570 Administrative hearings regarding license suspension are limited in scope. (1) An administrative hearing on a notice of noncompliance under WAC 388-14-520 is limited to the following issues:

- (a) Whether the person named in the child support order is the noncustodial parent;
- (b) Whether the noncustodial parent is required to pay child support under a child support order; and
- (c) Whether the noncustodial parent is at least six months in arrears.

(2) The administrative law judge (ALJ) is not required to calculate the outstanding support debt beyond determining whether the noncustodial parent is at least six months in arrears. Any debt calculation shall not be binding on the department or the noncustodial parent beyond the determination that there is at least six months' of arrearage.

(3) If the noncustodial parent requests a hearing on the notice, DCS stays the certification process until the hearing results in a finding that the parent is not in compliance with the order, or that DCS is authorized to certify the parent.

WSR 98-13-082

PROPOSED RULES

DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed June 16, 1998, 11:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-20-120.

Title of Rule:

OLD WAC	NEW WAC
388-86-005 (1), (2), and (8)	388-529-0100, 388-529-0200
388-86-015	388-529-0200
388-86-080	388-529-0200
388-86-087	388-529-0200
388-501-0105	Not necessary
388-501-0110	388-503-0505
388-501-0140	388-446-0001
388-501-0150	388-428-0005, 388-475-0005 (I)(f)
388-501-0170	388-505-0540
388-501-0190	Obsolete
388-503-0305	388-503-0505
388-503-0310	388-505-0210 and 388-505-0220, 388-505-0110, 388-505-0210, 388-505-0220
388-503-0320	388-519-0100*
388-503-0350	388-505-0110, 388-529-0100*
388-503-0370	388-505-0110, 388-519-0300, 388-438-0100
388-504-0405	388-406-0005, 388-406-0010
388-504-0410	388-406-0005
388-504-0420	388-452-0005
388-504-0430	388-472-0005
388-504-0440	388-472-0005
388-504-0450	388-472-0005
388-504-0460	388-490-0005
388-504-0470	388-406-0035
388-504-0480	388-406-0040 and 388-406-0045
388-504-0485	388-406-0060* and 388-406-0065
388-505-0501	388-503-0505
388-505-0505	Not necessary
388-505-0510	388-468-0010
388-505-0520	388-424-0005, 388-424-0010
388-505-0530	388-476-0005

PROPOSED

OLD WAC	NEW WAC
388-505-0560	388-472-0005, 388-505-0540, 388-422-0005, 388-422-0010, 388-422-0020
388-505-0570	388-422-0020 (4)(c)
388-505-0580	388-470-0015, 388-470-0020, 388-470-0040*, 388-488-0005, 388-450-0210
388-505-0590	388-450-0005, 388-450-0015, 388-450-0210, 388-450-0215
388-506-0610	388-408-0055*, 388-450-0005*, 388-470-0070*
388-506-0620	388-408-0055
388-506-0630	388-450-0150, 388-408-0055
388-507-0710	388-478-0065, 388-478-0020, 388-478-0070
388-507-0720	388-478-0070
388-507-0730	388-470-0015, 388-408-0055
388-507-0740	388-505-0220*
388-508-0805	388-478-0075
388-508-0810	388-478-0075*
388-508-0820	388-462-0015*, 388-478-0065*
388-508-0830	388-462-0015
388-508-0835	388-462-0015
388-508-0840	388-418-0025
388-509-0905	388-505-0210*
388-509-0910	388-505-0210*, 388-478-0075
388-509-0920	388-505-0210*, 388-478-0075, 388-418-0025
388-509-0940	388-478-0075*
388-509-0960	388-478-0075, 388-418-0025
388-509-0970	388-416-0025*, 388-416-0015
388-510-1020	388-424-0005
388-510-1030	388-470-0060 (6)
388-511-1110	388-478-0050, 388-478-0080
388-511-1115	388-478-0070-0055
388-511-1140	388-450-0020*, 388-450-0040*
388-511-1150	388-470
388-511-1160	388-470-0040*
388-511-1170	Not necessary
388-517-1710	388-517-0300*
388-517-1715	388-478-0085(1), 388-517-0500(6)
388-517-1730	388-478-0085(2), 388-517-0300(4)*
388-517-1750	388-517-0300(6)*, 388-478-0085

OLD WAC	NEW WAC
388-517-1770	388-517-0300(7)*, 388-478-0085(5)
388-518-1805	388-438-0100, 388-468, 388-424 and 388-476
388-518-1810	388-438-0100
388-518-1820	388-478-0070, 388-488-0005*
388-518-1830	388-478-0070 and 388-519-0110*
388-518-1840	388-519-0100*, 388-478-0070, 388-519-0110*
388-518-1850	388-478-0070, 388-438-0100(7)
388-519-1905	388-519-0110*, 388-416-0025*, 388-519-0120
388-519-1910	388-450-0020, 388-450-0110*, 388-450-0150, 388-450-0210, 388-519-0110
388-519-1930	388-519-0110*, 388-519-0100*, 388-476-0070
388-519-1950	Not necessary
388-521-2105	388-416-0020, 388-416-0015
388-521-2106	388-416-0025
388-521-2110	388-416-0010
388-521-2120	388-416-0010
388-521-2130	388-416-0020
388-521-2140	388-416-0030
388-521-2150	388-416-0035(1)
388-521-2155	388-416-0035(2)
388-521-2160	388-416-0035(3)
388-521-2170	Not necessary
388-522-2205	388-418-0025 and 388-418-0030
388-522-2210	388-418-0025, 388-416-0010, 388-416-0025, 388-505-0220, 388-523-0100, 388-416-0015, 388-462-0015
388-522-2230	388-434-0005, 388-416-0015, 388-519-0100(2), 388-519-0110(1)
388-523-2305	388-523-0100
388-523-2320	388-523-0100
388-524-2405	388-474-0015
388-524-2420	388-416-0010(4)
388-525-2505	388-406-0050
388-525-2520	388-458-0010
388-525-2570	388-418-0030
388-529-2910	388-529-0100*
388-529-2920	388-529-0100
388-529-2930	388-529-0100

PROPOSED

OLD WAC	NEW WAC
388-529-2960	388-517-0100*

*Before proposing these rules for repeal, the department reviewed each rule to assure all necessary provisions were addressed in one or more of the rule(s) proposed for adoption as WSR 98-11-084.

In some cases, noted with an asterisk (*), information was inadvertently omitted from the new rule, and will be added before adoption. You may receive a copy of the draft corrections by contacting: Patte King, Administrative Assistant, Division of Program Support, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 586-0830, TTY 1-800-848-5429, e-mail kingpl@dshs.wa.gov.

The rules listed above will not be repealed until the rules, proposed as WSR 98-11-084, are adopted.

Purpose: To repeal MAA rules that have been incorporated into the proposed rules filed as WSR 98-11-084 in order to comply with the Governor's Executive Order 97-02.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Summary: See Purpose above.

Reasons Supporting Proposal: If current rules are not repealed at the same time the new rules, filed as WSR 98-11-084, become effective, then two sets of rules will exist in conflict with one another.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kevin Sullivan, Medical Assistance Administration, 617 8th S.E., Olympia, WA 98504, (360) 664-2314.

Name of Proponent: Department of Social and Health Services, Medical Assistance Administration, governmental.

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

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

Proposal Changes the Following Existing Rules: Current rules (see Title of Rule above for the complete list) are being repealed.

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

RCW 34.05.328 does not apply to this rule adoption. These rules are not considered significant rules because they do not change existing policy.

Hearing Location: There will be two hearings held on July 21, 1998, one in Olympia and one in Spokane. Maps and/or directions are available for both locations.

Olympia Hearing: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, at 10:00 a.m.

Spokane Hearing: DSHS/DDD-Field Services, West 1611 Indiana, Training Room, Spokane, WA 99205, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Paige Wall by July 12, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by July 21, 1998.

Date of Intended Adoption: July 28, 1998.

June 16, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

REPEALER

The following chapters and sections of the Washington Administrative Code are repealed:

- WAC 388-86-0015 Blood
- WAC 388-86-0080 Oxygen service
- WAC 388-86-0095 Physicians' services
- WAC 388-501-0105 Applicability
- WAC 388-501-0110 Purpose of the medical care program
- WAC 388-501-0140 Fraud
- WAC 388-501-0150 Confidential records
- WAC 388-501-0170 Third party resources
- WAC 388-501-0190 Maternity care distressed area
- WAC 388-503-0305 Program priorities
- WAC 388-503-0320 Medically needy eligible persons
- WAC 388-503-0350 Medical care services—GAU/ADATSA
- WAC 388-503-0370 Medically indigent eligible persons
- Chapter 388-504 WAC FILING A MEDICAL APPLICATION
- WAC 388-505-0501 Eligibility—General
- WAC 388-505-0505 Age
- WAC 388-505-0510 Residence
- WAC 388-505-0520 Citizenship and alien status
- WAC 388-505-0530 Social Security number
- WAC 388-505-0560 Cooperation in securing medical support
- WAC 388-505-0570 Good cause for noncooperation—Medical care support
- WAC 388-505-0580 Resources
- WAC 388-505-0590 Income
- WAC 388-506-0610 AFDC-related medical programs

PROPOSED

WAC 388-506-0630	SSI-related income deeming
Chapter 388-507 WAC	AFDC-RELATED MEDICAL ELIGIBILITY
Chapter 388-508 WAC	PREGNANT WOMEN MEDICAL RESPONSIBILITY
Chapter 388-509 WAC	CHILDREN'S MEDICAL ELIGIBILITY
Chapter 388-510 WAC	ALIEN MEDICAL ELIGIBILITY
WAC 388-511-1110	SSI-related resource standards
WAC 388-511-1115	SSI-related income standards
WAC 388-511-1140	SSI-related income exemptions
WAC 388-511-1150	SSI-related resource availability
WAC 388-511-1160	SSI-related resource exemptions
WAC 388-511-1170	SSI-state data exchange
Chapter 388-517 WAC	MEDICARE-RELATED MEDICAL ELIGIBILITY
Chapter 388-518 WAC	LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT (LCP-MI)
Chapter 388-519 WAC	SPENDDOWN
Chapter 388-521 WAC	MEDICAL EFFECTIVE DATES
Chapter 388-522 WAC	MEDICAL ELIGIBILITY CHANGES
Chapter 388-523 WAC	MEDICAL EXTENSIONS
Chapter 388-524 WAC	MEDICAL TERMINATIONS
Chapter 388-525 WAC	MEDICAL NOTICES
WAC 388-529-2910	Scope of care—Categorically needy
WAC 388-529-2920	Scope of care—Medically needy
WAC 388-529-2930	Scope of care—GAU/ADATSA—Medical care services
WAC 388-529-2960	Scope of care—Qualified Medicare beneficiary (QMB) special low-income Medicare beneficiary (SLMB) and qualified disabled working individual (QDWI)

WSR 98-13-092

PROPOSED RULES

INSURANCE COMMISSIONER'S OFFICE

[Filed June 16, 1998, 4:51 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-05-102.

Title of Rule: Updating the regulatory scheme of Title 284 WAC.

Purpose: To increase the effectiveness and update the regulatory scheme of chapter 284-24 WAC.

Other Identifying Information: R 98-4.

Statutory Authority for Adoption: RCW 48.02.060, 48.19.080, 48.19.370.

Statute Being Implemented: RCW 48.19.020, 48.19.080, 48.19.370.

Summary: The chapter is revised to make the rules simpler to use. Language is updated, rules are reorganized to meet that goal. New sections are added to aid in facilitating the filing process and clarify consumer protection provisions.

Reasons Supporting Proposal: The rules should be easier to understand and use for both the Office of Insurance Commissioner staff and the regulated industry.

Name of Agency Personnel Responsible for Drafting: Jon Hedegard, Lacey, Washington, (360) 407-0728; Implementation and Enforcement: Lee Barclay, Olympia, Washington, (360) 586-3685.

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 chapter was selected for review in the commissioner's regulatory improvement process. Rules and regulations are amended to update language, simplify the compliance process. One existing rule is separated into two rules to make comprehension and use easier. New sections are added to clarify aspects of the filing process. New WAC 284-24-005 states the need for a transmittal form when filing, this will help the processing of the filing. New WAC 284-24-110 states that when the United States Postal Service changes a zip code boundary, that act alone will not change policyholder's rates. Any rate change must be brought through the filing process.

Proposal Changes the Following Existing Rules: Changes were made to update language, improve the clarity and organization, and to increase the efficiency of the regulatory scheme to the following rules: WAC 248-24-015, 248-24-060, 248-24-065, 248-24-070, 248-24-080, and 248-24-100.

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

Small Business Economic Impact Statement

Introduction: This report analyzes a proposal to update and modify chapter 284-24 WAC. These changes are proposed in an effort to make the rules more current, effective, and efficient. This evaluation is completed to demonstrate

PROPOSED

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

that the proposed changes improve the rules without imposing significant costs on insurers or insureds.

Background: The existing regulation, chapter 284-24 WAC, was adopted in 1982. The chapter is entitled "Rates." It addresses areas concerning property and casualty rates. Regulated subjects include the use of statistical plans and designation of statistical agents, filing requirements, modification and suspension of filing requirements, filings required for certain types of inland marine risks, and standards for schedule rating plans. Amendments were made to some of the sections of the chapter in 1985 and in 1990. Some sections have not been amended since initial adoption in 1982. Chapter 284-24 WAC was identified in the commissioner's regulatory improvement process as a regulation that needed to be updated. Some existing language and processes could be clarified.

The proposed amendments are mainly clarifications of existing sections. One section was divided into two sections for purposes of lucidity. Two new sections were created to address areas that caused some confusion for carriers. One, proposed WAC 284-24-005, addresses the use of transmittal forms with filings. The other proposed new section, WAC 284-24-110, addresses changes made in zip codes by the United States Postal Service and the use of those changed zip codes in rate making. Many insurers use groups of postal zip codes to define their rating territories when making and filing rates. The rating boundaries must be filed and reviewed by the commissioner. The Postal Service occasionally:

- 1) Changes zip codes;
- 2) Creates new zip codes by dividing an existing zip code in two; or
- 3) Creates a new zip code out of pieces of two or more existing zip codes.

This new section takes the common-sense point of view that rates cannot solely be changed by one of these acts of the Postal Service. When developing rates, insurers consider many factors including rate boundaries. A change in the Postal Service's zip codes should not automatically affect the rates of a policyholder. Insurers would be required to file any rate change. The change would be given the same consideration as any other rate change request. This does not prevent insurers from using zip codes to define rating territories. Nor does it prevent an insurer from using the change in the zip code in determining a rate. The process used to change an existing rate of a policyholder should be the filing process, not simply an act by the Postal Service. The insurer may refile the rating territory immediately with the commissioner. Insurers that would like to charge different rates for policyholders in affected areas would face the cost of refiling. Insurers could continue to charge existing rates until the next filing is made and would not incur any additional filing costs. The Postal Service does not regulate insurance or consider insurance issues in determining zip codes so its actions alone should not result in the use of different rates.

The proposed changes should clarify existing requirements and insurers should find it easier to comply with the processes. The existing regulatory scheme will be strengthened, clarified, and streamlined.

Federal and Other State Law: This rule does not conflict with any other federal or state law.

Industry Codes: These proposed rules will apply to rate filings, modification and suspension of filing requirements, and the use of statistical plans and statistical agents for property and casualty insurance sold in the state of Washington. The proposed rules would affect Fire, Marine, and Casualty insurers (industry code 6331) and Surety Insurers (industry code 6351).

Probable Costs: The proposed rules may impose negligible additional direct costs, if any, on the regulated industry. The proposed amendments update the rules and improve the efficiency and clarity of the regulation of rates in chapter 284-24 WAC. The proposed new sections also seek to clarify existing requirements and make processes easier to understand. Proposed WAC 284-24-005 requires the use of a transmittal form with a filing. These forms are currently filed by all of the regulated companies. This section clarifies the need for filing these forms. Proposed WAC 284-24-110 clarifies the policy that if the United States Postal Service changes a zip code designation, an insurer cannot use that change to alter rates without filing the proposed rate change with the commissioner. If an insurer would like to file for a rate change, this rule does nothing to prohibit that change. Any rate change would be subject to the exact same requirements and scrutiny as any other proposed rate change. There could be some issues with computer programming for some large insurers.

The commissioner recognizes that there is the potential for costs associated with the time required to read and comprehend the new and amended rules. These costs would be insignificant in relation to the benefits associated with the new rules.

Probable Benefits: The proposed rules will be more current and easier to use for the regulated industry. Simple changes to update the rules, alphabetize lists, and change archaic language will make the rules easier to understand and apply by members of the regulated industry. This should result in savings of time and money by members of the regulated community. Consumers will have greater protection under proposed WAC 284-24-110 which will prevent rate changes based solely on actions by the United States Postal Service. Rate changes would have to be filed with the commissioner and subjected to the same review as any other rate change. Currently, some insurers have to file extremely detailed maps or written descriptions to illustrate their rate territory boundaries. The zip code rule will eliminate this need, making the filing process easier for affected insurers who want to take advantage of this opportunity. This will also make the filing process easier and allow for more productive use of the Office of Insurance Commissioner staff time.

Small Business Impact: The proposed rules do not impose a disproportionately higher economic burden on small business within the four-digit classifications. The proposed rules amend existing rules and should make them easier for all regulated businesses to understand and utilize. It is possible that small businesses will have an easier time complying than larger businesses.

Mitigation: Mitigation to reduce the economic impact of the proposed rules on small business was not necessary

because there are no cost impacts on small businesses. The proposed amendments could be considered a form of mitigation because they provide rules that are more accessible and current than the existing regulation without imposing costs on the regulated industry.

Industry Involvement: Many of the substantive issues and concepts have been discussed with members of the regulated industry and the majority of the companies agree with the principles of the rule. Businesses that will be affected by the proposed rules were invited to provide input to the commissioner's staff throughout the rule-writing process. A Pre-proposal Statement of Inquiry (CR-101) was filed for the rule on February 18, 1998. The CR-101 was sent to property/casualty insurers and was posted on the commissioner's website. Notification that the commissioner would be reviewing this area in the regulatory improvement process was also posted on the commissioner's website.

Conclusion: The proposed amendments increase the potential benefits of current rules without increasing the costs of compliance or levying any direct costs on the regulated industry. The proposed new rule that specifically requires a transmittal form should have little impact in practice. The proposed new rule that delineates the need to refile rates if an insurer desires to change rates due to a change in the zip codes of an area by the United States Postal Service should not result in significant costs and provides a necessary and valuable consumer protection.

A copy of the statement may be obtained by writing to Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, phone (360) 407-0729, FAX (360) 407-0186, Internet KacyB@oic.wa.gov.

RCW 34.05.328 applies to this rule adoption.

Hearing Location: Conference Room downstairs, RoweSix, Building 4, 4224 6th Avenue S.E., Lacey, WA, on July 28, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lorie Villaflores by July 27, 1998, TDD (360) 407-0409.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, Internet e-mail KacyB@oic.wa.gov, FAX (360) 407-0186 by July 27, 1998.

Date of Intended Adoption: August 15, 1998.

June 15, 1998

Greg J. Scully

Chief Deputy Commissioner

NEW SECTION

WAC 284-24-005 Transmittal form required. Each rate filing submitted by an insurer shall be submitted with the filing transmittal form prescribed by and available from the commissioner. The insurer shall complete the form in its entirety before it submits the filing.

AMENDATORY SECTION (Amending Order R 90-5, filed 6/14/90, effective 7/15/90)

WAC 284-24-015 Statistical plans and designation of statistical agents. ~~((Pursuant to))~~ Under the provisions of RCW 48.19.370, the insurance commissioner has adopted the

following statistical plans for the recording and reporting of loss and expense experience, and ~~((hereby))~~ designates the particular organizations, or their successors, as statistical agents to assist the commissioner in the gathering and compilation of experience for the classes of business stated.

(1) The statistical plans of the Insurance Services Office, Inc. with respect to the following kinds of insurance:

- ~~(a) (Fire and allied lines;~~
- ~~(b) Automobile physical damage;~~
- ~~(c) Automobile liability;~~
- ~~(d) General liability;~~
- ~~(e) Burglary;~~
- ~~(f) Glass;~~
- ~~(g) Boiler and machinery;~~
- ~~(h) Inland marine;~~
- ~~(i) Homeowners, comprehensive dwelling and dwelling policy program;~~
- ~~(j) Commercial multiperil;~~
- ~~(k) Businessowners, and~~
- ~~(t) Professional liability.)) Aircraft hull.~~
- (a) Aircraft liability.
- (b) Boiler and machinery.
- (c) Burglary and theft.
- (d) Businessowners.
- (e) Commercial automobile liability.
- (f) Commercial automobile no-fault.
- (g) Commercial automobile physical damage.
- (h) Commercial earthquake.
- (i) Commercial fire and allied lines.
- (j) Commercial inland marine.
- (k) Commercial multiperil.
- (l) Dwelling fire and allied lines.
- (m) Farm, farmowners, and ranchowners.
- (n) Fidelity and forgery.
- (o) General liability.
- (p) Glass.
- (q) Homeowners, tenants, and condominiums.
- (r) Mobile homes.
- (s) Personal automobile liability.
- (t) Personal automobile no-fault.
- (u) Personal automobile physical damage.
- (v) Personal earthquake.
- (w) Personal inland marine.
- (x) Personal liability.
- (y) Personal theft and residence glass, and
- (z) Professional liability, including medical profes-
- sional liability.

(2) The statistical plans of the National Association of Independent Insurers with respect to:

- (a) Burglary,
- (b) Businessowners,
- (c) Crop hail,
- (d) Farmowners,
- (e) Fidelity and surety,
- (f) Fire and allied lines,
- (g) General liability,
- (h) Glass,
- (i) Inland marine,
- (j) Malpractice and professional liability,
- (k) Personal lines (homeowners and dwelling fire),

PROPOSED

(l) Commercial multiperil,
 (m) Automobile liability, and
 (n) Automobile physical damage.
 (3) The statistical plans of the American Association of Insurance Services with respect to:

- (a) Homeowners,
 (b) Farmowners,
 (c) Mobile homeowners,
 (d) Inland marine,
 (e) Farm fire,
 (f) Dwelling fire,
 (g) Commercial fire,
 (h) General liability,
 (i) Burglary,
 (j) Glass,
 (k) Commercial multiperil,
 (l) Manufacturers output, ~~((and))~~
 (m) Businessowners,
(n) Automobile,
(o) Boatowners, and
(p) Artisans.
 (4) The statistical plan of the Surety Association of America with respect to fidelity, surety and forgery.
 (5) The statistical plan of the National Crop Insurance Services with respect to hail insurance on growing crops and windstorm (when accompanied by hail) insurance on growing crops.
 (6) The statistical plan of the Factory Mutual Service Bureau with respect to property insurance.
 (7) The statistical plan of the Mill and Elevator Rating Bureau with respect to property insurance.
 (8) The statistical plan of ~~((the))~~ American Nuclear ((Insurance Rating Bureau)) Insurers with respect to nuclear physical damage insurance.
(9) The statistical plans of National Independent Statistical Service with respect to the following kinds of insurance:

- (a) Automobile liability.
 (b) Automobile physical damage.
 (c) Boiler and machinery.
 (d) Burglary.
 (e) Businessowners.
 (f) Commercial multiperil.
 (g) Farmowners.
 (h) Fidelity and surety.
 (i) Fire and allied lines.
 (j) General liability.
 (k) Glass.
 (l) Homeowner, mobile home, and dwelling policies.
 (m) Inland marine, and
 (n) Malpractice and professional liability.

Experience filed by individual carriers is to be kept confidential by these statistical agents and only the consolidated experience will be available as public information.

- AMENDATORY SECTION (Amending WSR 94-20-059, filed 9/30/94, effective 10/31/94)
- WAC 284-24-060 ((Modification)) Suspension of filing requirements. ((1) Pursuant to)) Under RCW 48.19.080, ((the commissioner rules and hereby orders that))**

the rate filing requirements ((set forth)) in chapter 48.19 RCW are ((modified so that:

(a) ~~No filings with respect to rates pertaining)) suspended with respect to surplus line coverages. Insurers do not need to file rates with respect to surplus line coverages placed in this state ((pursuant to)) under chapter 48.15 RCW ((need be made, hereby confirming the longstanding practice in this state; and~~

(b) ~~Rating organizations may make reference filings of prospective loss costs. Such filings shall contain the statistical data and supporting information for all calculations and assumptions underlying the prospective loss costs, but need not provide the information required by RCW 48.19.040 (2)(b) and (c). Filings of prospective loss costs must be approved by the commissioner prior to use by any insurer as a reference document. A member or subscribing insurer must file a loss cost adjustment and obtain the commissioner's approval prior to use of rates based on prospective loss costs.~~

A member or subscribing insurer of a rating organization may use rates based on prospective loss costs filed by such an organization and approved by the commissioner as a reference document without complying with the requirements of RCW 48.19.040 if:

- (i) ~~The insurer has an approved loss cost adjustment on file with the commissioner and proposes no changes to it; and~~
 (ii) ~~The insurer will begin using the prospective loss costs on the date proposed by the rating organization and approved by the commissioner.~~

(2) For purposes of this section, the following definitions apply:

(a) ~~"Rating organization" means an organization licensed pursuant to RCW 48.19.180.~~

(b) ~~"Member or subscribing insurer" means an insurer that has granted filing authority to a rating organization pursuant to RCW 48.19.050.~~

(c) ~~"Prospective loss cost" means that portion of a rate that provides only for losses and loss adjustment expense and does not include provisions for expenses (other than loss adjustment expenses) or profit, and is based on historical aggregate losses and loss adjustment expenses adjusted through development to their ultimate value and projected through trending to a future point in time.~~

(d) ~~"Loss cost adjustment" means a factor by which prospective loss costs are multiplied to obtain final rates. It takes into account:~~

- (i) ~~Operating expenses;~~
 (ii) ~~Underwriting profit (or loss) and contingencies;~~
 (iii) ~~Investment income;~~
 (iv) ~~Dividends, savings, or unabsorbed premium deposits allowed or returned to policyholders, members, or subscribers;~~

(v) ~~Variations in loss experience unique to the insurer making the filing;~~

(vi) ~~The effect of the timing difference on the prospective loss costs in those instances in which an insurer elects to begin using prospective loss costs on a date other than that proposed by the rating organization and approved by the commissioner; and~~

(vii) ~~Other relevant factors, if any.~~

(e) "~~Rate~~" means the cost of insurance per exposure unit, whether expressed as a single number or separately as prospective loss cost and loss cost adjustment, prior to any application of individual risk variations as permitted by WAC 284-24-100, and does not include minimum premiums or supplementary rating information.

(f) "~~Supplementary rating information~~" means any manual or plan of policy writing rules, rating rules, classification system, territory codes and descriptions, rating plans, and any other similar information needed to determine the applicable premium for an insured. It includes factors and relativities, such as increased limits factors, package modification factors, classification relativities, and deductible relativities).

NEW SECTION

WAC 284-24-062 Modification of filing requirements—Loss cost filings. (1) Under RCW 48.19.080, the rate filing requirements in chapter 48.19 RCW are modified as follows:

(a) Rating organizations may make reference filings of prospective loss costs. The filings shall contain the statistical data and supporting information for all calculations and assumptions underlying the prospective loss costs, but do not need to provide the information required by RCW 48.19.040 (2)(b) and (c). Filings of prospective loss costs must be approved by the commissioner prior to use by any insurer as a reference document.

(b) To use rates based on loss costs, a member or subscribing insurer of a rating organization must make a loss cost adjustment filing, which is subject to the provisions of RCW 48.19.040 and/or RCW 48.19.043. The filing shall include the following forms, completed in their entirety, prescribed by and available from the commissioner:

- (i) A Washington Reference Filing Adoption Form;
- (ii) For each loss cost adjustment, a Washington Summary of Supporting Information Form; and
- (iii) For each loss cost adjustment with which an expense constant is used, a Washington Expense Constant Supplement.

(c) A member or subscribing insurer of a rating organization may use rates based on prospective loss costs filed by the rating organization and approved by the commissioner as a reference document without complying with the requirements of RCW 48.19.040 and 48.19.043 if:

- (i) The insurer has an approved loss cost adjustment on file with the commissioner and proposes no changes to it; and
- (ii) The insurer will begin using the prospective loss costs on the date proposed by the rating organization and approved by the commissioner.

(d) Once they have been approved and have become effective, the latest prospective loss costs filed by a rating organization are considered to supersede all earlier loss cost filings by that rating organization. Insurers are not permitted to make loss cost adjustment filings using prospective loss costs that have been superseded.

(2) For purposes of this section, the following definitions apply:

(a) "Rating organization" means an organization licensed under RCW 48.19.180.

(b) "Member or subscribing insurer" means an insurer that has granted filing authority to a rating organization under RCW 48.19.050.

(c) "Prospective loss cost" means that portion of a rate that provides only for losses and loss adjustment expenses and does not include provisions for expenses (other than loss adjustment expenses) or profit, and is based on historical aggregate losses and loss adjustment expenses adjusted through development to their ultimate value and projected through trending to a future point in time.

(d) "Loss cost adjustment" means a factor by which prospective loss costs are multiplied to obtain final rates. It takes into account:

- (i) Operating expenses;
- (ii) Underwriting profit (or loss) and contingencies;
- (iii) Investment income;
- (iv) Dividends, savings, or unabsorbed premium deposits allowed or returned to policyholders, members, or subscribers;
- (v) Variations in loss experience unique to the insurer making the filing; and
- (vi) Other relevant factors, if any.

(e) "Rate" means the cost of insurance per exposure unit, whether expressed as a single number or separately as prospective loss cost and loss cost adjustment, prior to any application of individual risk variations as permitted by WAC 284-24-100, and does not include minimum premiums or supplementary rating information.

(f) "Supplementary rating information" means any manual or plan of policy writing rules, rating rules, classification system, territory codes and descriptions, rating plans, and any other similar information needed to determine the applicable premium for an insured. It includes factors and relativities, such as increased limits factors, package modification factors, classification relativities, and deductible relativities.

AMENDATORY SECTION (Amending Order R 90-13, filed 12/17/90, effective 1/17/91)

WAC 284-24-065 Demonstration that rates satisfy the requirements of RCW 48.19.020. (1) RCW 48.19.020 requires that premium rates for insurance shall not be excessive, inadequate, or unfairly discriminatory. A rate is reasonable and not excessive, inadequate, or unfairly discriminatory if it is an actuarially sound estimate of the expected value of all future costs associated with an individual risk transfer. Such costs include claims, claim settlement expenses, operational and administrative expenses, and the cost of capital. When an insurer or rating organization files rates with the commissioner, it must demonstrate how it has accounted for each of these costs, so that the commissioner can determine whether the proposed rates satisfy the requirements of RCW 48.19.020.

(2) An insurer filing rates must demonstrate that it has accounted for the cost of capital by showing that its expected after-tax return on equity is consistent with its expected cost of capital. A rating organization filing rates must demonstrate that it has accounted for the cost of capital by showing that its members' or subscribers' expected after-tax return on equity is consistent with their expected cost of capital. An insurer or

PROPOSED

rating organization may establish the expected cost of capital by citing:

(a) Data pertaining to historical after-tax returns on equity for the property-casualty insurance industry as a whole; or

(b) Data pertaining to historical after-tax returns on equity for insurers writing coverages involving a similar level of risk; or

(c) Data pertaining to historical after-tax returns on equity for other industries involving a similar level of risk; or

(d) In the case of a stock insurer, data pertaining to the after-tax return on equity necessary to attract and retain investors; or

(e) In the case of a mutual or reciprocal insurer, data pertaining to the after-tax return on equity necessary to maintain policyholders' surplus adequate to support the insurer's business.

(3) For the purposes of this section, equity shall customarily be computed under generally accepted accounting principles. However, at the rate filer's option, insurers' statutory surplus as regards policyholders may be used instead. The equity assigned to the writing of a particular coverage in this state shall be determined by making a reasonable allocation of total equity by coverage and by state. Allocation of equity by coverage may involve a recognition of the differences in the level of risk by coverage.

(4) The expected after-tax return shall include:

(a) Expected underwriting profit or loss; and

(b) Expected investment income, including, but not limited to, investment income on assets corresponding to unearned premium reserves, loss and loss adjustment expense reserves, and statutory surplus as regards policyholders; and

(c) Other expected income, at the filer's option; and

(d) Expected federal income taxes arising from (a), (b), and (c) of this subsection, including, but not limited to, taxes due to the revenue offset, reserve discounting, and alternative minimum tax provisions of the Tax Reform Act of 1986.

(5) Due to the variability of expected realized and unrealized capital gains and taxes thereon, the commissioner will not require that these items be included in the expected after-tax return for ratemaking purposes.

(6) Expected after-tax return on equity shall be determined as the annualized rate of return arising from policies to be written in the period during which the filing is expected to be in effect. The calculations involved should follow from the methods used in preparing the filing.

(7) In lieu of allocating its equity as prescribed by subsection (3) of this section, an insurer may establish a target operating ratio applicable to all coverages. For the purposes of this section, "operating ratio" is the sum of after-tax underwriting profit (or loss) and after-tax investment income on assets corresponding to unearned premium reserves and loss and loss adjustment expense reserves, divided by premium. The insurer must show that its target operating ratio corresponds to an expected after-tax return on equity that is consistent with its cost of capital, in accordance with subsection (2) of this section. Although investment income on assets corresponding to policyholders' surplus is not included in the calculation of an operating ratio, this component of investment

income must be considered in establishing the target operating ratio, because it must be included in the expected after-tax return on equity, in accordance with subsection (4) of this section.

(8) For liability insurance, if the increased limits factors include risk loads, the proportion of the expected premium (net of expenses) arising from the risk loads for all policy limits shall be included in the expected underwriting profit or loss.

(9) So that the commissioner may more easily determine whether rates satisfy the requirements of RCW 48.19.020:

(a) The use of the word "indicated" in a rate filing to describe a rate or rate change shall be limited to situations in which:

(i) The insurer or rating organization making the filing has taken into account all of the factors listed in RCW 48.19.030 (3)(a) through (f); and

(ii) The rate or rate change labeled "indicated" corresponds to an expected after-tax return on equity which is supported as required by subsection (2) of this section.

(b) A rate filing must contain an explanation of any material difference between an indicated rate or rate change and a proposed rate or rate change.

(10) Filings of supplementary rating information, as defined by WAC ((284-24-060)) 284-24-062 (2)(f), are exempt from the requirements of this section. However, if package modification factors are not supported by data showing the relationship between package and monoline loss experience and expenses, the requirements of this section apply to filings of package modification factors.

~~((11) The requirements of this section shall apply to all rate filings received by the commissioner after April 30, 1991.))~~

AMENDATORY SECTION (Amending Order R 82-1, filed 3/1/82)

WAC 284-24-070 ~~((Suspension))~~ Modification of filing requirements—(("A") rating) Refer-to-company rating. (1) ~~((Pursuant to))~~ Under RCW 48.19.080, the ~~((commissioner rules and hereby orders that the casualty))~~ insurance rate filing requirements ~~((set forth))~~ in chapter 48.19 RCW are ~~((suspended))~~ modified as to classes of policies for which the insurer has no rate, guide rate, range of rates or rating rule except as described in subsection (2) of this section. These classes may include:

(a) ~~((Covering risks in a))~~ A class(;;) in which risks are so different from each other that no ~~((single manual))~~ rate or range of rates could be representative of all(;;):

(b) ~~((Covering risks of a classification))~~ A class that does not develop enough loss experience to warrant any ~~((creditability))~~ credibility for ratemaking purposes(;;or); and

(c) ~~((Covering risks that involve))~~ Policies involving a new product or coverage ~~((as to))~~ for which there is no appropriate analogy to similar exposures for ratemaking purposes.

(2) ~~((A rate filing for such classes of policies))~~ Every rating rule for such classes of policies shall be included in an appropriate rate manual and filed with the commissioner. Such a rating rule shall consist only of a notation(;;in an appropriate rate manual;) of the symbol "(a)" ~~((following the~~

description of the risk, which symbol shall indicate that the risk cannot practicably be filed with the commissioner and that such risk)) or a statement that risks in the class shall be submitted to the insurer for rating.

(3) The insurer's rating of ((such)) a refer-to-company risk shall be based on a documented underwriting analysis of:

- (a) Specific definable loss potential characteristics,
- (b) Analogy to similar exposures, and
- (c) Available loss frequency and severity data.

(4) Examples of appropriate ((("a"-rated)) refer-to-company risks include but are not limited to:

- (a) Manufacturing and construction risks, such as:
 - (i) Ammunition manufacturing,
 - (ii) Dam construction,
 - (iii) Irrigation works operation, and
 - (iv) Logging railroad—operation and maintenance.
- (b) Owners, landlord and tenants risks, such as:
 - (i) Amusement devices, designed for small children only, not otherwise classified (NOC),
 - (ii) Christmas tree lots—open air,
 - (iii) Bleachers or grandstands,
 - (iv) Dude ranches,
 - (v) Firing ranges—indoor,
 - (vi) Parks or playgrounds, and
 - (vii) Zoos.
- (c) Product risks, such as:
 - (i) Aircraft or aircraft parts manufacturing,
 - (ii) Ball or roller bearing manufacturing,
 - (iii) Chemical manufacturing—household—NOC,
 - (iv) Discontinued operations—products,
 - (v) Electronic component manufacturing,
 - (vi) Firearms manufacturing—over .50 caliber
 - (vii) Instrument manufacturing—NOC,
 - (viii) Levee construction,
 - (ix) Machinery or machinery parts manufacturing,
 - (x) Pharmaceutical or surgical goods manufacturing,
 - (xi) Products—NOC,
 - (xii) Sign manufacturing—NOC,
 - (xiii) Tank manufacturing—metal—not pressurized,
 - (xiv) Textile coating or impregnating,
 - (xv) Tool manufacturing—hand type—powered,
 - (xvi) Valves manufacturing,
 - (xvii) Wheels manufacturing,
 - (xviii) Wire goods manufacturing—NOC, and
 - (xix) Wood products manufacturing—NOC.

(5) Insurers writing ((("a"-rated)) risks((")) subject to this regulation shall maintain separate documentation, including loss experience, on each risk written and shall be prepared to provide such documentation to the insurance commissioner upon request.

AMENDATORY SECTION (Amending Order R 86-7, filed 11/26/86)

WAC 284-24-080 Rate filings required for certain inland marine risks. RCW 48.19.030 and 48.19.070 recognize that certain inland marine risks are by general custom of the business not written according to manual rates or rating plans. The following inland marine classes of risks are, however, by general custom of the business written according to

manual rates or rating plans, and, therefore, manual rates or rating plans applicable to the following ((such)) risks shall be filed with the commissioner ((and may be used only after approval except as otherwise permitted by WAC 284-24-060 (1)(b))):

- (1) Accounts receivable and valuable papers and records,
- (2) Agricultural machinery, farm equipment and live-stock floaters,
- (3) Bicycle floater,
- (4) Cameras,
- (5) Camera and musical instrument dealers,
- (6) Equipment dealers,
- (7) Hardware and implement dealers floater,
- (8) Implement dealers stock floater,
- (9) Fine arts (private collections),
- (10) First class mail,
- (11) Floor plan,
- (12) Furriers' block,
- (13) Furriers' customers,
- (14) Garment contractors,
- (15) Golfer's equipment floater,
- (16) Musical instruments,
- (17) Negative film floater,
- (18) Neon signs,
- (19) Personal articles floater,
- (20) Personal effects,
- (21) Personal furs or fur floater,
- (22) Personal jewelry or jewelry floater,
- (23) Personal property floater,
- (24) Physicians' and surgeons' equipment floater,
- (25) Registered mail,
- (26) Silverware floater,
- (27) Stamp and coin collection floater,
- (28) Theatrical floater,
- (29) Tourist baggage,
- (30) Travel baggage (issued in combination with accident and sickness insurance),
- (31) Wedding presents, and
- (32) Boatowners' and/or boats ((under)) twenty-((seven)) six feet and under in length that are used for pleasure.

AMENDATORY SECTION (Amending Order R 90-5, filed 6/14/90, effective 7/15/90)

WAC 284-24-100 Standards for schedule rating plans(~~(, noncomplying filings ineffective)~~). ((Pursuant to RCW 48.19.120, and to effectuate the provisions of RCW 48.19.030, the commissioner finds that existing schedule rating plans permit excessive credits or debits, commonly resulting in discrimination against insureds or inadequate premiums, and, for that reason, fail to meet the requirements of chapter 48.19 RCW. Therefore, no filing of a schedule rating plan shall be effective or accepted after January 1, 1986, unless it meets the following standards:))

(1) A schedule rating plan shall apply only to those classes of insurance (monoline or packaged) commonly known as commercial vehicle, commercial general casualty, commercial inland marine, commercial fidelity, surety, commercial crime, and commercial property.

(2) A schedule rating plan shall provide for no more than a twenty-five percent credit (reduction) or debit (charge) ~~(excluding any expense adjustment permitted by a lawfully filed and approved expense adjustment plan)~~. A schedule rating plan shall not be combined with other rating plans or rating rules in such a way that the schedule rating affects the premium by more than twenty-five percent.

(3) Any expense modification rule which does not prescribe specific credits or debits for particular situations is considered to be similar to schedule rating. In such a case, the combined effect of schedule and expense modifications shall not exceed twenty-five percent.

(4) If an expense modification plan prescribes specific credits for particular situations (such as various premium size ranges or commission levels), the credits or debits are not included in the twenty-five percent schedule rating maximum.

(5) A schedule rating plan must provide for an objective analysis by the insurer of the risk and be based on specific factual information supporting the rating. Items such as the following may be considered:

- (a) Management capacity for loss control and risk improvement, including financial and operating performance.
- (b) Condition and upkeep of premises and equipment.
- (c) Location of risk and suitability of occupancy.
- (d) Quality of fire and police protection.
- (e) Employee training, selection, supervision, or similar elements.
- (f) Type of equipment.
- (g) Safety programming.
- (h) Construction features and maintenance.
- (i) Classification variances, including differences from average hazards.

~~((4) A plan must provide that when)~~ (6) If a risk is rated below average (debited) under a schedule rating plan, an insured or applicant, upon timely request, will be advised by the insurer of the factors which resulted in the adverse rating so that the insured or applicant will be fairly apprised of any corrective action that might be appropriate with respect to the insurance risk.

~~((5))~~ (7) A schedule rating plan shall be administered equitably and applied fairly to every eligible risk which an insurer elects to insure. Records supporting the development of individual risk modifications shall be retained by the insurer for a minimum of three years or until the conclusion of the next regular examination conducted by the insurance department of its domicile, whichever is later, and made available at all reasonable times for the commissioner's examination. ~~(Such)~~ The records must include copies of all documentation used in making each particular determination, even though a credit or debit may not result.

NEW SECTION

WAC 284-24-110 Effect of changes to zip code boundaries. An insurer shall not change an insured's rates solely because the insured's zip code has been changed by the United States Postal Service. This section shall not be construed to prohibit insurers from using zip codes to define rat-

ing territories. However, the zip code boundaries in effect at the time an insurer makes a rate filing defining the territories shall determine the physical boundaries of these territories. These boundaries can be changed only by the insurer's subsequent rate filings.

WSR 98-13-098
PROPOSED RULES
SECRETARY OF STATE
(Corporations Division)
[Filed June 17, 1998, 9:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-001.

Title of Rule: Chapter 434-120 WAC, Charitable solicitation organizations and charitable trusts.

Purpose: To identify the jurisdiction and who must register under the Charitable Trust Act. To revise the form for charitable trust registration and establish a reporting threshold.

Statutory Authority for Adoption: RCW 11.110.051, 11.110.060, 11.110.070.

Statute Being Implemented: RCW 11.110.051, 11.110.060, 11.110.070.

Summary: There have been requests from constituents to clarify, review and revise the registration and reporting requirements for charitable trusts.

Reasons Supporting Proposal: These rules will reflect the changes enacted by the legislature to the Charitable Trust Act in 1997. They will clarify who is required to register and revise the content of the registration form.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Frances Sant, 505 East Union, Street Floor, Olympia, WA 98504, (360) 664-0742.

Name of Proponent: Office of the 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 434-120-300, defines what trusts are subject to Washington jurisdiction; WAC 434-120-305, defines the registration requirements and establishes a minimum financial reporting threshold; WAC 434-120-310, describes the contents of the registration form and financial reporting requirements; and WAC 434-120-320, describes the contents of the annual report for organizations, not required to file a United States tax or information return.

The following sections are being repealed: WAC 434-120-315 Exemption from annual reporting, 434-120-317 Abbreviated reporting for qualifying trusts, 434-120-335 When to file annual reports, 434-120-340 Annual reports suspended under certain conditions, and 434-120-350 Notifying attorney general of litigation.

Proposal Changes the Following Existing Rules: These rules establish a minimum registration and reporting threshold requirement. Only charitable trusts who hold assets in excess of \$250,000, invested for income producing purposes

are required to register. These rules further clarify and simplify the registration and reporting requirements for charitable trusts.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no fiscal impact being made by small business by this rule-making order.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: John L. O'Brien Building, Hearing Room C, 504 15th Avenue, Olympia, WA 98504, on July 21, 1998, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Hans Dettling by July 20, 1998, TDD (360) 753-1485.

Submit Written Comments to: Frances Sant, Charities Program Manager, Office of the Secretary of State, P.O. Box 40244, Olympia, WA 98504-0244, FAX (360) 664-0450, by July 20, 1998.

Date of Intended Adoption: August 15, 1998.

June 17, 1998

Tracy Guerin

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 96-08-049, filed 4/1/96, effective 5/2/96)

WAC 434-120-300 ((Who shall register.)) Jurisdiction. ~~(((1)) Any trustee as defined in RCW 11.110.020 of a trust subject to Washington jurisdiction holding property in trust for a public charitable purpose and any corporation formed for the administration of a charitable trust or holding assets subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes shall register with the office of the secretary of state, corporations division:~~

~~((2)) A trust is subject to Washington jurisdiction if:~~

~~(((a)) (1) It is created pursuant to a trust instrument that specifies that it is subject to the jurisdiction of the state of Washington or that its terms are to be construed pursuant to the laws of the state of Washington;~~

~~(((b)) (2) It is a testamentary trust, and the will was probated or recorded, or letters testamentary and of administration were granted in the state of Washington;~~

~~(((c)) (3) The trust was created pursuant to order of a Washington court or by operation of Washington law;~~

~~(((d)) (4) The trust was created by or pursuant to the articles of incorporation of a Washington corporation; or~~

~~(((e)) (5) No state, territory, or nation may assert a superior claim of jurisdiction, and:~~

~~(((f)) (a) The trust was created pursuant to an inter vivos agreement or document executed or recorded within the state of Washington but which does not expressly vest jurisdiction in another state, territory, or nation; or~~

~~(((g)) (b) The trust corpus consists predominantly of property located in or administered from Washington; or~~

~~(((h)) (c) A basis exists upon which to assert or concede jurisdiction in the state of Washington.~~

~~(((3)) Exempt from registration under the Trust Act are the following:~~

~~(a) Any trustee making distributions only to individuals or organizations expressly named in the governing instrument or mere titleholders, custodians, or depositaries of property held for charitable purposes who have no powers or duties to administer such property;~~

~~(b) Governmental bodies such as the United States, any state, territory, or possession of the United States, the District of Columbia, Puerto Rico, or any of their agencies or governmental subdivisions;~~

~~(c) Religious bodies incorporated as tax exempt religious organizations, and subsidiary organizations under their auspices including but not limited to:~~

~~(i) Charitable agencies or organizations affiliated with and forming an integral part of the religious body, or operated, supervised, or controlled directly by the religious body; or~~

~~(ii) Any officer of a religious body holding property for religious purposes;~~

~~To be exempt under this act, a newly formed religious body, or subsidiary organizations must be able to show that it is seeking tax exempt status from the federal Internal Revenue Service. If a written declaration granting the tax exempt status is not received within two years of formation, the organization must register the trust immediately.~~

~~(d) Nonprofit educational institutions having a course of studies equivalent to that of a public school or college operated by a Washington state school district or by Washington state.))~~

AMENDATORY SECTION (Amending WSR 95-11-135, filed 5/24/95, effective 6/24/95)

WAC 434-120-305 ((When to register.)) Registration and reporting. ~~(((1)) A trustee of a charitable or mixed purpose trust must register within two months of receiving control of the body of the trust.~~

~~(2) A trustee of a trust in which the only property held for a charitable purpose is a vested charitable remainder preceded by a life estate or other present interest must register within two months after commencement of the life estate or other present interest.~~

~~(3) A trustee of an instrument containing only contingent gifts or remainders to charitable purposes, shall register within two months of the authorization or requirement to use the trust principal or income for a charitable purpose.)) (1) The Charitable Trust Act requires those trustees described by RCW 11.110.051 to complete an initial registration with the secretary of state, and thereafter to file with the secretary copies of the trust's United States tax or information return. This section generally describes these registration and reporting requirements, with reference to the applicable statutes. These rules do not repeat all statutory requirements.~~

(2) Who shall register and report: The registration and reporting requirements of chapter 11.110 RCW apply to every trustee, as defined by RCW 11.110.020, who is required to register by RCW 11.110.051. The secretary of state has determined, pursuant to RCW 11.110.051 (1)(a), that no trustee shall be required to register or report unless, as to a particular charitable trust, the trustee holds assets, invested for income-producing purposes, exceeding a value

PROPOSED

of two hundred fifty thousand dollars, and otherwise meets the description of RCW 11.110.051.

(3) Initial registration: Every trustee required to register by RCW 11.110.051 shall do so, in the time and in the manner described by RCW 11.110.060. Trustees shall use the registration form described by WAC 434-120-310, and file all other documents required by RCW 11.110.060. Trustees required to register shall also file with the secretary any later amendments to the trust instrument within four months of making the amendment.

(4) Periodic reporting: After the initial registration, every trustee required to register by RCW 11.110.051 shall report annually as required by RCW 11.110.070. The annual reporting requirement is fully satisfied by filing a copy of the trust's United States tax or information return, forms 990, 990 PF, or 990 EZ, with the secretary of state at the same time as it is required to be filed with the Internal Revenue Service. Any trustee who is not required by federal law to file any of the named forms with the Internal Revenue Service shall either complete a federal return and file it with the secretary, or may instead file the form described by WAC 434-120-320 by no later than the fifteenth day of the fifth month after the end of its fiscal year.

AMENDATORY SECTION (Amending WSR 95-11-135, filed 5/24/95, effective 6/24/95)

WAC 434-120-310 How to register—Form. ((Charitable trusts using the assets for charitable purposes and registering under the Trust Act shall use the charitable trust form available in the corporations division.

(1) The name, address, and telephone number of the charitable trust, foundation, corporation, or trustee and the type of instrument creating or governing the organization, corporation, or trust, the date of the governing instrument, and the location where it is filed;

(2) The names and addresses of the trustees or corporate officers and directors;

(3) The purpose of the charitable trust; the names and addresses of beneficiaries or the selected group of persons (class or classes) or activities which the charitable trust designates;

(4) Whether or not the trust has a federal Internal Revenue Service tax exempt status or Washington state real or personal property exemptions, and the basis for each exemption. Attach a copy of the application for federal tax exempt status, or the declaration of this status if granted by the Internal Revenue Service under 26 U.S.C. 501 (c)(3), and a copy of the application for exemption from the state of Washington;

(5) An inventory with a description and value of the charitable corporation or trust assets, including a statement of the current market value of such assets, and statement of liabilities of the trust. An audited statement made according to GAAP may be submitted to comply with this section only. Include the name and address of the entity that prepares, compiles, reviews, or audits the financial statement of the charitable trust;

(6) The titles of the trust instruments or articles of incorporation, copies of which must be attached to the registration report; and

(7) All charitable solicitation trust registrations shall be signed by the responsible trustee or president, treasurer, or comparable officer of the organization-)) (1) Trustees registering under chapter 11.110 RCW shall use the registration form available in the office of the secretary of state. The secretary of state shall develop a form in compliance with this rule. The secretary's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 11.110 RCW shall not excuse the failure to comply.

(2) A registration form is not complete unless it includes:

(a) The trustee's name;

(b) The trustee's mailing address, and physical address if different;

(c) The name of the trust to be registered, or other identifying information sufficient to distinguish the trust from other registered trusts;

(d) A brief description of the charitable purposes of the trust, which may, at the trustee's option, include the names and addresses of any charitable organizations benefitted by the trust;

(e) The market value of all trust assets invested for incoming-producing purposes as of the date on which the trustee received possession or control of the trust corpus; and

(f) The signature of the trustee, or, if the trustee is a corporation, of the corporate officer or employee responsible for the trust.

(3) A copy of the governing instrument creating the trust shall not be deemed sufficient to meet the requirements of this section.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-320 Content of annual reports for trusts not required to file United States tax or information returns. ((The reports shall contain the information as required by the United States Internal Revenue Service 1993 Form 990, 990PF, or 990EZ. The report shall also include the name of the trust and trustee(s) or officers. It shall specifically contain and highlight a statement of the current market value of assets of the charitable trust or organization. Information may be submitted in any of the following forms:

(1) The Form 990, Return of Organization Exempt from Income Tax, the Form 990EZ, Short Form, Return of Organization Exempt from Income Tax, or the Form 990PF, Return of Private Foundation, filed with the federal Internal Revenue Service; or

(2) A copy of the annual account filed by the trustee in any court having jurisdiction of the trust; or

(3) A copy of an audit certified as being true and correct and in accordance with generally accepted accounting principles by any certified public accountant and containing substantially the information required as an annual report; or

(4) An organization not required to file a federal tax return because its gross receipts are not more than twenty-five thousand dollars annually, and not required to have an audited annual statement shall submit a statement signed by the president, treasurer, and one other officer showing the information required by this section.

PROPOSED

~~This annual report shall be filed, under oath and executed by an affidavit, by one or more trustees responsible for the trust or an officer of the corporation, association, or organization.) (1) The secretary of state shall develop a form in compliance with this rule, for use by trustees who are not required to file a United States tax or information return. The secretary's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 11.110 RCW shall not excuse the failure to comply.~~

~~(2) A registration form is not complete unless it includes:~~

~~(a) The trustee's name;~~

~~(b) The trustee's mailing address, and physical address if different;~~

~~(c) The name of the trust, or other identifying information sufficient to distinguish the trust from other trusts;~~

~~(d) A brief description of the charitable programs of the trust conducted during the reporting period;~~

~~(e) The market value of all trust assets invested for incoming-producing purposes as of the close of the reporting period;~~

~~(f) The total income of the trust during the reporting period;~~

~~(g) The total funds expended for charitable purposes during the reporting period;~~

~~(h) The total funds expended for purposes other than charitable; and~~

~~(i) The signature of the trustee, or, if the trustee is a corporation, of the corporate officer or employee responsible for the trust.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-120-315	Exemption from annual reporting.
WAC 434-120-317	Abbreviated reporting for qualifying trusts.
WAC 434-120-335	When to file annual reports.
WAC 434-120-340	Annual reports suspended under certain conditions.
WAC 434-120-350	Notifying the Attorney General of litigation.

WSR 98-13-100
PROPOSED RULES
SECRETARY OF STATE
 (Corporations Division)
 [Filed June 17, 1998, 9:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-09-062.

Title of Rule: Washington Electronic Authentication Act, chapter 19.34 RCW.

Purpose: Changes and clarifications to the Washington Electronic Authentication Act, chapter 19.34 RCW.

Other Identifying Information: Amending chapter 434-180 WAC, implement amendments to chapter 19.34 RCW based on HB 2931, chapter 33, Laws of 1998.

Statutory Authority for Adoption: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.101, 19.34.110, 19.34.111, 19.34.120, 19.34.211, 19.34.250, 19.34.290, 19.34.291, 19.34.400, 19.34.500.

Statute Being Implemented: Chapter 19.34 RCW, HB 2931, chapter 33, Laws of 1998.

Summary: Reasons why rules on this subject may be needed and what they might accomplish: This rule is needed to ensure consistency with the amendments to chapter 19.34 RCW, chapter 33, Laws of 1998, and to ensure the effective implementation of the Electronic Authentication Act. Adoption of these rules will clarify requirements relating to recognition and licensure of foreign Certification Authorities and Repositories; clarify requirements relating to operative personnel for other states wishing to become licensed in Washington; and make technical housekeeping changes deemed necessary for the implementation of the Electronic Authentication Act.

Reasons Supporting Proposal: To enhance electronic commerce in Washington state.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Billeter, 505 East Union, Olympia, WA 98504, (360) 753-2524.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules are amended pursuant to the amendment of chapter 19.34 RCW, chapter 33, Laws of 1998, to ensure the effective implementation of the Electronic Authentication Act.

Proposal Changes the Following Existing Rules: Consistent with amendments of chapter 19.34 RCW, these rule changes will lower fees for recognition of a foreign (out of state) license; delete the sufficient working capital section; lower requirements for background checks from fifteen to seven years; and permit licensed CPAs from any other jurisdiction to perform compliance audits.

WAC 434-180-235 Sufficient working capital, is repealed and a new section is added regarding the designation of confidential information.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no cost for business as a result of these actions.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: John L. O'Brien Building, Capitol Campus, Hearing Room "C", 504 15th Avenue, Olympia, WA 98504, on July 21, 1998, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Hans Dettling by July 20, 1998, TDD (360) 753-1485.

Submit Written Comments to: Hans Dettling, Corporations Division, Office of the Secretary of State, 505 East

Union, 2nd Floor, P.O. Box 40234, Olympia, WA 98504-0234, FAX (360) 664-8781, by July 21, 1998.

Date of Intended Adoption: July 24, 1998.

June 17, 1998

Tracy Guerin

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 97-24-053, filed 11/26/97, effective 12/27/97)

WAC 434-180-130 Fees. Fees for services performed by the secretary of state are established in the following amounts:

(1) For application for a license as a certification authority:

(a) For the applicant's first year doing business as a licensed certification authority in this state: One thousand four hundred dollars;

(b) For the applicant's second year doing business as a licensed certification authority in this state: One thousand eight hundred dollars; and

(c) For the applicant's third or subsequent year doing business as a licensed certification authority in this state: Two thousand eight hundred dollars.

(2) For recognition as a repository, in addition to the license issuance or renewal fee paid pursuant to this section:

(a) For the applicant's first year doing business as a recognized repository in this state: One thousand four hundred dollars;

(b) For the applicant's second year doing business as a recognized repository in this state: One thousand eight hundred dollars; and

(c) For the applicant's third or subsequent year doing business as a recognized repository in this state: Two thousand eight hundred dollars.

(3) For recognition of a foreign license ~~(either:~~

~~(a) Two thousand eight hundred dollars; or~~

~~(b) Upon certification by the issuer of the foreign license that the applicant has been licensed as a certification authority in that jurisdiction for less than three years, the fee that would be due under subsection (1) of this section for a Washington license under the same circumstances. No applicant may file under this subsection (b) more than two times);~~

One-half of the otherwise applicable fee as set forth under subsection (1) or (2) of this section.

(4) For qualification of operative personnel:

(a) For administering and scoring the examination required by WAC 434-180-215(3), fifty dollars per individual; and

(b) For qualifying operative personnel pursuant to WAC 434-180-215 and 434-180-220, other than (or in addition to) administering and scoring the examination, twenty-five dollars per individual.

AMENDATORY SECTION (Amending WSR 97-24-053, filed 11/26/97, effective 12/27/97)

WAC 434-180-200 Application for license as a certification authority. Any person desiring to be licensed as a

certification authority must file an application pursuant to this chapter demonstrating compliance with the requirements of RCW 19.34.100. To apply for a license, an applicant must submit all of the following:

(1) A completed application form as prescribed by WAC 434-180-210;

(2) The fee or fees provided by WAC 434-180-130;

(3) A certificate that shows the applicant as subscriber and is published in a recognized repository;

(4) A suitable guaranty, described by WAC 434-180-225, unless the applicant is a self-insured city, a self-insured county, or the department of information services of the state of Washington;

~~(5) ((Demonstration of sufficient working capital, pursuant to WAC 434-180-235;~~

~~(6)))~~ Documentation, in the form of an information systems audit report, establishing that the applicant has the use of a trustworthy system as defined by WAC 434-180-360. The audit required by this subsection shall be performed pursuant to WAC 434-180-240, except that it is not required to establish anything more than that the applicant has the use of a trustworthy system;

~~((7)))~~ (6) Materials establishing, to the satisfaction of the secretary that each person listed as operative personnel has qualified to act as operative personnel pursuant to WAC 434-180-215; and

~~((8)))~~ (7) A written certification practice statement as described in WAC 434-180-330.

NEW SECTION

WAC 434-180-203 Designation of confidential information. Any certification authority, recognized repository, or applicant for licensure or recognition who believes that any information submitted to the secretary is legally exempt from public disclosure, inspection, or copying pursuant to law may designate such records upon submission to the secretary. Such designation does not conclusively establish the application of any exemption, but will assist the secretary in correctly responding to requests for public records. Any designation shall specify the precise information the party regards as subject to an exemption, and precise statute establishing the exemption.

AMENDATORY SECTION (Amending WSR 97-24-053, filed 11/26/97, effective 12/27/97)

WAC 434-180-215 Certification of operative personnel. The secretary shall not issue or renew a license as a certification authority unless the licensee documents that every individual employed or acting as operative personnel qualifies to act as operative personnel. This documentation shall include:

(1) Receipt of a completed form, signed by the individual under penalty of perjury, stating:

(a) The name (including all other names used in the past), date of birth, and business address of the individual;

(b) That the individual has not been convicted within the past ~~((fifteen))~~ seven years of a felony and has never been

PROPOSED

convicted of a crime involving fraud, false statement, or deception in any jurisdiction; and

(c) If the individual has resided in any nation other than the United States during the previous five years, the name of that nation and the period of residency.

(2) A criminal background check supporting the declaration required by subsection (1) of this section. This requirement is excused as to any individual for whom documentation satisfying this paragraph was submitted within the previous two years, even if the individual has changed employment. This check must include both of the following:

(a) A criminal background check compiled by a private sector provider, documenting a background check reasonably sufficient to disclose any criminal convictions within the previous seven years in any state or federal jurisdiction in the United States, its territories, or possessions, and any other jurisdiction specified pursuant to subsection (1)(c) of this section. This background check must contain information that is current to within thirty days of its date of submission; and

(b) The certified results of a criminal background check performed by the Washington state patrol or law enforcement agency where the operative personnel reside and are employed for the previous ~~((fifteen))~~ seven years, dated not more than thirty days prior to submission or such other jurisdictions as the secretary may reasonably request. Such check shall be performed using the individual's fingerprints.

(3) Satisfactory completion by the individual of a written examination demonstrating knowledge and proficiency in following the requirements of the Washington Electronic Authentication Act and these rules. The secretary shall develop an open book written test covering the subject matter of the act, and provide it upon request, which may include electronic access. The secretary may update or modify the test from time to time. The secretary shall indicate at the top of the test the percentage or number of questions that must be answered correctly in order to constitute satisfactory completion. No individual may take the examination more than once within a period of thirty days. A certification by the secretary that an individual has successfully completed this examination shall be valid for two years, and shall continue to satisfy the requirements of this subsection even if the individual changes employment.

(4) A licensed certification authority must remove a person from performing the functions of operative personnel immediately upon learning that the person has been convicted within the past fifteen years of a felony or has ever been convicted of a crime involving fraud, false statement, or deception, and must notify the secretary of this action within three business days.

AMENDATORY SECTION (Amending WSR 97-24-053, filed 11/26/97, effective 12/27/97)

WAC 434-180-240 Compliance audits. (1) A licensed certification authority shall obtain a compliance audit at least once every year. The auditor shall issue an opinion evaluating the degree to which the certification authority conforms to the requirements of this chapter and of chapter 19.34 RCW.

If the certification authority is also a recognized repository, the audit must include the repository.

(2) For purposes of the opinion required by this section, the auditor shall exercise reasonable professional judgment as to whether a condition that does not strictly comply with legal requirements is or is not material, taking into consideration the circumstances and context. Noncompliance as to any of the following shall be deemed material, in addition to any others the auditor may judge to be material:

(a) Any condition of noncompliance with statute or rule that relates to the validity of a certificate;

(b) Any employee performing the functions of operative personnel who has not qualified pursuant to WAC 434-180-215;

(c) Any material indication that the certification authority has used any system other than a trustworthy system.

(3) An audit may be performed by any licensed certified public accountant, or, in the case of a public agency, by the Washington state auditor. For purposes of this section, licensed certified public accountants include any person holding a certified public accountant certificate issued pursuant to chapter 18.04 RCW, or any licensee under any equivalent law of any other jurisdiction. Any auditor, or group of auditors, performing an audit pursuant to this section shall include at least one individual who has been issued a current and valid certificate as either a certified information systems auditor, by the information systems audit and control foundation, or as a certified information systems security professional, by the International Information Systems Security Certification Consortium. The names of all individuals possessing such certificates shall be disclosed in the audit report, or in a cover letter accompanying that report.

(4) The certification authority shall file a copy of the audit report with the secretary, prior to the date the certification authority must renew its license pursuant to WAC 434-180-205. At the certification authority's option, it shall be sufficient to file a portion of the report if that report summarizes all audit exceptions and conditions of noncompliance (including, but not limited to, those stated in subsection (2) of this section) stated in the full report, and bears the auditor's signature. The report may be filed electronically, if it is validly digitally signed by the auditor, using a licensed certification authority. The secretary shall publish the report, or summary, in the certification authority disclosure record it maintains for the certification authority.

AMENDATORY SECTION (Amending WSR 97-24-053, filed 11/26/97, effective 12/27/97)

WAC 434-180-245 Recognition of foreign licenses.

(1) A certification authority licensed as such by a governmental entity other than the state of Washington, may act as a licensed certification authority in Washington only if, in addition to meeting any other requirements established by law for the transaction of business, it either:

(a) Obtains a license as a certification authority from the secretary; or

(b) Provides to the secretary a certified copy of a license issued by a governmental entity whose licensing or authorization requirements the secretary has found to be substan-

tially similar to those of Washington, together with the fee required by WAC 434-180-130. A license recognized under this subsection shall be valid in Washington only during the time it is valid in the issuing jurisdiction.

(2) The secretary may certify that the licensing or authorization requirements of another jurisdiction are substantially similar to those of Washington if, in order to obtain a license, the controlling law of the other jurisdiction requires that a licensed certification authority:

(a) Issue certificates based upon a system of public key cryptography using a trustworthy system. The law or administrative rule of another jurisdiction must establish standards determining what constitutes a trustworthy system. Those standards may differ from Washington's standards as set forth under WAC 434-180-360 as long as they are substantially similar in purpose and result;

(b) Provide a suitable guaranty in an amount of at least twenty-five thousand dollars;

(c) Employ as operative personnel only individuals who have demonstrated knowledge and proficiency in the requirements of the law regarding digital signatures, and who are free of felony criminal conviction for a minimum of seven years; and

(d) Be subject to a legally established system of enforcement of licensure requirements.

(3) If the requirements of another jurisdiction fail to be certified as substantially similar to those of Washington only because they do not satisfy subsection (2)(c) of this section, then the secretary shall recognize the license of a particular certification authority licensed by that jurisdiction if the certification authority complies with subsection (1)(b) of this section and, in addition, employs as operative personnel only individuals whom the secretary has certified pursuant to WAC 434-180-215.

(4) The secretary shall publish in the *State Register*, and make available upon request, a list of those jurisdictions which the secretary has certified pursuant to subsection (2) of this section. If a jurisdiction is not included in the list most recently published in the *State Register*, the secretary shall consider whether certification of such jurisdiction should be added, upon request of either the jurisdiction or a certification authority licensed by that jurisdiction and upon receipt of an English language copy of the applicable laws and regulations of that jurisdiction.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-180-235 Sufficient working capital.

WSR 98-13-101

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed June 17, 1998, 9:40 a.m.]

Supplemental Notice to WSR 98-10-038.

Preproposal statement of inquiry was filed as WSR 98-06-023.

Title of Rule: WAC 468-38-110 Escort vehicle requirements.

Purpose: To enhance public safety by establishing a clear set of requirements and operating guidelines for escort vehicles.

Statutory Authority for Adoption: RCW 46.44.090.

Summary: Radically expands current rule to clarify requirements and add operating procedures for escorting oversized vehicles/loads on state highways.

Reasons Supporting Proposal: Reduces risk to motoring public by adding consistency to operating procedures and further clarifying expectations of an escort vehicle and its operation.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Washington State Department of Transportation, Olympia, (360) 664-9497; and Enforcement: Captain Marsh Pugh, Washington State Patrol, Olympia, (360) 753-0350.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule provides minimum requirements for the equipping and operation of an escort vehicle engaged in escorting an oversized vehicle/load. The rule should provide for greater consistency, more specific operating procedures and result in reduced risk to the motoring public.

Proposal Changes the Following Existing Rules: Dramatically expands on current requirements and procedures.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Any costs associated with this amendment should be insignificant. Equipment described in the proposed rule should already be in use by existing operators.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Transportation, Commission Board Room 1D2, Transportation Building, Olympia, Washington 98504, on July 31, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by July 24, 1998.

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX (360) 664-9440, by July 24, 1998.

Date of Intended Adoption: July 31, 1998.

June 16, 1998

Gerald E. Smith

Deputy Secretary, Operations

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-110 ((Type of escort cars.)) Escort vehicle requirements. (((1) Escort cars must be furnished by the permittee. They may be a passenger car or a two-axle truck.

(2) Escort cars will be of such design as to afford the driver clear and unobstructed vision both front and rear.

Escort cars will be in safe operational condition and properly licensed.

(3) Escort car operators must be experienced in the operation of escort vehicles, and no unnecessary passengers shall be permitted.

Pilot escort cars will travel at a distance of approximately 800-1,500 feet in front of and to the rear of the load. This distance shall be reduced in urban areas, at major intersections, and at structures less than 28 feet curb-to-curb width.

In hazardous conditions, the pilot car driver will act as a flagperson for traffic control and will signal by hand or by radio to the towing vehicle driver when he can proceed.

(4) The driver of the rear escort car will act as flagperson when hazardous conditions exist, either in advising the driver of the tow vehicle as to clearance in turning movements or of accumulations of overtaking traffic.

As required, the rear escort car will travel far enough behind the load to provide adequate warning for overtaking vehicles and safe space between the rear escort car and the trailing unit for passing vehicles. All escort cars shall carry a minimum of three approved emergency fuses and red flags.

Pilot car operators shall be properly licensed to operate the vehicle.

(5) When uniformed off-duty law enforcement officers act as escorts, using official police cars or motoreycles, the preceding requirements shall not be applicable. (1) When the escort vehicle is in front of the permitted vehicle, the operator shall:

(a) Warn oncoming traffic of the presence of the permitted vehicle by use of signs and lights as provided in subsections (4) and (8) of this section.

(b) Notify the driver of the permitted vehicle, and driver(s) of any trailing escorts, by two-way radio, of all hazards; overhead clearances; obstructions; traffic congestion; pedestrians; and any other circumstances evident to the operator that could affect either the safe movement of the permitted vehicle, the safety of the traveling public, or the efficient movement of traffic in sufficient time for the driver of the permitted vehicle to take corrective action, as necessary.

(c) To the extent necessary, locate safe places (if available) adjacent to the highway and notify the driver of the permitted vehicle, and driver(s) of trailing escorts, in ample time for the permitted vehicle and the escort vehicle(s) to clear the highway, allowing the traffic following to safely pass, or for any other reasons necessary to provide for the safety of the traveling public.

(d) Be far enough in front of the permitted vehicle to signal oncoming motorists to stop in a timely manner, or as specified by local jurisdiction, before such motorists enter any narrow structures or other restrictions on the highway, to permit the safe passage of the permitted vehicle.

(2) When the escort vehicle is behind the permitted vehicle, the operator shall:

(a) Warn traffic approaching from the rear of the presence of the permitted vehicle ahead, by use of signs and lights as provided in subsections (4) and (8) of this section.

(b) Notify the driver of the permitted vehicle, and driver of any lead escort, by two-way radio of flat tires or other problems with the permitted vehicle; objects coming loose

from the permitted vehicle; other traffic approaching or passing the permitted vehicle; and any other circumstances evident to the operator that could affect either the safe movement of the permitted vehicle, the safety of the traveling public, or the efficient movement of traffic, in sufficient time for the driver of the permitted vehicle to take corrective action.

(c) Notify the front escort driver and the driver of the permitted vehicle by two-way radio of traffic build-up and other delays to the normal flow and efficient movement of traffic caused by the movement of the permitted vehicle.

(d) Notify the driver of the permitted vehicle, and driver of any lead escort, by two-way radio of other vehicles attempting to pass the permitted vehicle or load.

(e) Be far enough behind the permitted vehicle to signal motorists following the permitted vehicle to slow or stop in a timely manner, or as specified by local jurisdiction, before narrow structures or other restrictions in the highway, to permit the safe passage of the permitted vehicle.

(3) The escort vehicle operator shall ensure that the escort vehicle is in safe and reliable operating condition.

(4) An escort vehicle shall, in addition to any other equipment required by traffic law, be equipped with a minimum of two flashing or rotating amber lights, positioned above the roof line, visible from a minimum of five hundred feet to traffic approaching from the front or rear of the escort. The light apparatus must not obstruct, or be obstructed by, the required OVERSIZE LOAD sign.

(5) The escort vehicle shall:

(a) Be either a single unit passenger car or a two-axle truck;

(b) Not to exceed a maximum gross vehicle weight rating of fourteen thousand pounds;

(c) Be at least sixty inches wide; and

(d) Not to exceed the legal limits of size and weight, as defined in chapter 46.44 RCW.

(6) The escort vehicle shall not carry any passengers, human or animal (excluding individuals in training status or necessary flag persons), or equipment or load in or on the escort vehicle which:

(a) Exceeds the height, length, or width of the escort vehicle, or overhangs the escort vehicle, or otherwise impairs its immediate recognition as a safety escort vehicle by the motoring public; or

(b) Obstructs the view of the flashing or rotating yellow lights, or the signs used by the escort vehicle; or

(c) Causes safety risks; or

(d) Otherwise impairs the performance by the operator or the escort vehicle of the duties required by these rules.

(7) The escort vehicle operator shall properly load and secure any item(s) or equipment or load carried by the escort vehicle to ensure compliance with the requirements of this section.

(8) An escort vehicle shall display "oversize load" signs, in clear readable condition, which shall be mounted above the roofline of the escort vehicle and be visible to approaching traffic from the front and the rear. All such signs shall be a minimum of five feet wide, ten inches high with one-inch wide brush stroke, black letters a minimum of eight inches high on yellow background, or shall be a maximum of seven feet wide, eighteen inches high, with a 1.41 inch brush stroke.

black letters a minimum of ten inches high on yellow background.

(9) The escort vehicle(s) shall have its headlights activated at all times when escorting a permitted vehicle.

(10) The escort vehicle shall be equipped with a two-way radio capable of providing reliable two-way voice communication between the driver of the permitted vehicle and the driver(s) of the escort vehicle(s) when the permitted vehicle is in motion on a public highway.

(11) An escort vehicle shall carry the following items of equipment at all times when escorting a permitted vehicle:

(a) Standard eighteen inch STOP & SLOW paddle sign.

(b) Three bi-directional emergency reflective triangles.

(c) A minimum of one 5 pound B, C, fire extinguisher, or equivalent.

(d) A reflectorized orange vest, shirt or jacket, and an orange or white hard hat to be worn by the operator while directing traffic, in accordance with WAC 296-155-305, Signaling.

(e) A height measuring device which is nonconductive and nondestructive to overhead clearances, when required by the terms of the permit or regulations.

(f) A minimum ten package first-aid kit, as described in WAC 296-24-065, First-aid kit.

(g) A flashlight in working order with red nose cone.

(12) An escort vehicle is prohibited from escorting more than one permitted vehicle at the same time, unless expressly authorized by the department.

(13) A front escort vehicle shall use a height pole at all times when escorting a permitted vehicle exceeding fifteen feet in height, unless otherwise expressly authorized/directed by the department on the permit. The height pole shall not extend less than three inches nor more than six inches above the maximum height of the permitted vehicle being escorted. When the escort vehicle is not escorting a permitted vehicle, but is moving on the highway, the height pole shall be removed, tied down, or shortened to within legal limits, unless involved in the act of prerunning a route to determine height acceptance.

(14) When an escort vehicle is not escorting a permitted vehicle, or prerunning a route, but is moving on a public highway, the signs, described in subsection (8) of this section, shall either be removed, lowered to a position not readily visible, or covered, and the flashing yellow lights, described in subsection (4) of this section, shall not be operated.

(15) In the performance of the duties required by these rules, the operator of the escort vehicle may be required to advise the permitted vehicle to stop, allowing other traffic to proceed safely. The operator of the escort vehicle shall signal the permitted vehicle to stop, and the permitted vehicle shall stop, as far off the roadway as practicable to allow other traffic to pass in the following situations:

(a) When the permitted vehicle becomes disabled; or

(b) When the movement of the permitted vehicle on a particular section of public highway presents a safety risk or unreasonably interferes with the efficient movement of other traffic, based upon such factors as the widths of the permitted vehicle and the roadway, volume of other traffic, visibility and limited sight distance, and mountainous terrain; or

(c) When driving conditions for the permitted vehicle are hazardous for any other reason, including weather.

(16) In the performance of the duties required by these rules, the escort vehicle operator may be required to direct other traffic to stop, slow or proceed in order to allow the permitted vehicle to continue moving safely, or to help the other traffic to navigate around a stopped permitted vehicle. When directing traffic in these situations, the operator of the escort vehicle shall, effective January 1, 1999:

(a) Be certified, having certificate/card on person, as a flagperson in accordance with WAC 296-155-305, Signaling;

(b) Comply with procedures described in Section 6 of the MUTCD, as may be amended by the department of transportation, and such other criteria as may be developed under WAC 296-155-305, Signaling;

(17) The operator of the permitted vehicle and the operator(s) of the escort vehicle(s) shall comply with the following procedures:

(a) Before trip:

(i) Discuss aspects of the move, including the permitted vehicle, the route, and specific responsibilities.

(ii) Review permit special conditions.

(iii) Review the permitted route.

(iv) Determine the proper position of the escort vehicle(s).

(v) Establish any necessary procedures.

(vi) Check mandatory equipment, each operator being responsible for their own vehicle.

(vii) Mount signs, adjust mirrors, turn on lights.

(viii) Check each two-way radio to ensure clear communication on a selected channel.

(ix) Assure special motor vehicle permit(s) is in the possession of the appropriate operator(s).

(x) Determine if additional flagpersons will be necessary and, if so, have them available.

(b) During the trip:

(i) Obey all traffic laws.

(ii) Do not follow or precede more closely than is reasonably prudent, considering the speed of the permitted vehicle, other traffic, and highway conditions.

(iii) Do not exceed 1/2 mile distance between permitted vehicle and the escort vehicle to maintain radio contact, except when necessary to safely travel a long narrow section of highway.

(c) Traffic lights:

(i) If the front escort vehicle goes through a traffic light but the permitted vehicle does not, the escort vehicle must pull over to the right side of the highway, where practicable, to wait for the permitted vehicle.

(ii) If the permitted vehicle goes through the traffic light but the escort vehicle does not, then the permitted vehicle must pull over to the right side of the highway, where practicable, to wait for the rear escort vehicle.

(18) When uniformed off-duty law enforcement officers act as escorts, using official police cars or motorcycles, the requirements of this section may be amended as necessary.

WSR 98-13-111
PROPOSED RULES
SECRETARY OF STATE
 [Filed June 17, 1998, 10:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR [98-11-009] on May 8, 1998.

Title of Rule: Address confidentiality program.

Purpose: To implement chapter 138, Laws of 1998 (SHB 2351).

Statutory Authority for Adoption: RCW 40.24.090.

Statute Being Implemented: Chapter 138, Laws of 1998 (SHB 2351).

Summary: WAC 434-840-001, cites codified RCW instead of chapter laws of 1991.

WAC 434-840-005, cites codified RCW instead of chapter laws of 1991. Includes victims of sexual assault in ACP services provided by application assistants. Defines substitute mailing address.

WAC 434-840-010, clarifies that the substitute address may be used for work and school addresses as well as home address. Clarifies the effective date of program participation.

WAC 434-840-020, clarifies that the substitute address may be used for work and school addresses as well as home address. Clarifies existing language.

WAC 434-840-030, identifies the need for ACP to inform the county auditor when program participants renew their certification in the program.

WAC 434-840-040, removes current language that gives more authority to the program than is defined in RCW. Identifies the need for ACP to notify program participants that their certification has been terminated. Identifies the need for ACP to inform the county auditor when ACP terminates a program participant's certification.

WAC 434-840-060, removes language that gives more authority to the program than is defined in RCW.

WAC 434-840-070, cites codified RCW instead of chapter laws of 1991. Simplifies current language.

WAC 434-840-080, clarifies the methods by which program participants may be served legal documents. Cites codified RCW instead of chapter laws of 1991.

WAC 434-840-100, simplifies existing language regarding the methods used by program participants to apply for confidential records status.

WAC 434-840-110, allows authorized personnel to make a photocopy of a program participant's identification card.

WAC 434-840-200, simplifies existing language regarding the methods used by program participants to apply for confidential marriage license.

WAC 434-840-210, simplifies existing language regarding the methods used by program participants to apply for confidential marriage license.

WAC 434-840-220, clarifies the method for county auditors to maintain confidential marriage license application, certificate, or record for address confidentiality program participants who request it.

WAC 434-840-230, simplifies existing language regarding transmission of confidential marriage certificates to the Department of Health.

WAC 434-840-240, simplifies language describing the method by which a program participant may obtain a copy of their confidential certified marriage certificate.

WAC 434-840-310, simplifies language describing how program participants may apply for protected records voter status. Allows an ACP application for an "over-the-counter" absentee ballot to be made no later than the day before the election. Allows an ACP application for a "mail" ballot to be accepted no later than twenty days before the first election.

WAC 434-840-320, clarifies existing language regarding the county's protected records voter records.

WAC 434-840-330, requires county auditors to maintain a record of the ACP ballots issued and returned.

WAC 434-840-340, clarifies existing language for processing protected records voter ballots. Allows county auditors to notify protected records voter that they have neglected to sign the absentee ballot by mailing the voter a copy of their ballot envelope.

WAC 434-840-350, clarifies existing language for canvassing protected records voter ballots.

WAC 434-840-360, directs address confidentiality program to contact authorized personnel if protected records voter ballot is returned to the program by the post office.

Repeals WAC 434-840-050, 434-840-090, 434-840-120, 434-840-130, and 434-840-300.

Reasons Supporting Proposal: To implement chapter 138, Laws of 1998 (SHB 2351) and to clarify and simplify existing language regarding the administration of the address confidentiality program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Margaret McKinney, Program Manager, Olympia, Washington, (360) 586-4386.

Name of Proponent: Margaret McKinney, Address Confidentiality Program, Program Manager, Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of rule is to allow victims of sexual assault access to the address confidentiality program services. It is also designed to update program procedures, since the administrative rules that govern the program have not been updated since they were originally written seven years ago. The purpose is to clarify and simplify existing administrative procedures.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The address confidentiality program has no jurisdiction over private companies or small businesses. These administrative rules have no impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate only to internal governmental operations that are not subject to violation by a nongovernmental party.

Hearing Location: Office of the Secretary of State, 120 Union Avenue S.E., Room 106, Olympia, WA 98504-0220, on August 3, 1998, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact David Brine by July 15, 1998, TDD (360) 664-0515, or (800) 664-6677.

Submit Written Comments to: FAX (360) 586-4388, by August 1, 1998.

Date of Intended Adoption: October 1, 1998.

June 17, 1998
Margaret McKinney
ACP Program Manager

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-001 Authority and purpose. These rules are adopted pursuant to ~~((chapter 40, RCW (sections 3(1), 3(3) and 9, chapter 23, Laws of 1991)))~~ RCW 40.24.030 and 40.24.090. The purpose of this chapter is to provide the administrative procedures necessary to implement chapter ~~((23, Laws of 1991))~~ 40.24 RCW; to provide a procedure for state and local agencies to respond to requests for public records without disclosing the location of a program participant; to provide a procedure to facilitate interagency cooperation in providing ~~((record))~~ address confidentiality for a program participant; to establish uniform state-wide procedures for maintaining the confidentiality of a program participant's name and address information in marriage and voting records; and to provide a procedure for state and local agencies to accept a program participant's use of a substitute mailing address.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-005 Definitions. For the purposes of this chapter:

(1) "Address confidentiality program ~~((manager))~~" means the agency employee designated by the secretary of state with responsibility for developing and administering the program that implements the provisions of chapter ~~((23, Laws of 1991))~~ 40.24 RCW.

(2) "Agency" means an office, department, division, bureau, board, commission, or other statutory unit of state or local government or any functional subdivision of that agency.

(3) "Application assistant" means an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, or shelter services to victims of sexual assault or domestic violence, who has been designated by the respective agency, and has been accepted and registered by the secretary of state to assist individuals in the completion of program participation applications.

(4) "Authorization card form" means the incomplete form for an authorization card on which no identifying program participant information has been entered.

(5) "Authorized personnel" means an employee of a county auditor's office, a county recording office, the Wash-

ington state department of health, or the office of the secretary of state who has been designated by the chief executive officer of the respective agency, to process and have access to voter application, voting records, ~~((and))~~ marriage applications and records pertaining to program participants.

(6) "Bona fide statutory or administrative requirement" means that without possession of an individual's actual address the agency is unable to fulfill its statutory duties and obligations.

(7) "Protected records voter" means a program participant who has applied and qualified as a service voter, as provided under RCW 29.01.155, with ongoing absentee ballot voter status, as provided under RCW 29.36.013.

(8) "Record" means any information relating to the conduct or performance of a governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(9) "Substitute mailing address ~~((for voting purposes))~~" means ~~((a))~~ the mailing address designated ((on the program participant's service voter application as the address to which the program participant's absentee ballots shall be sent, but)) by the secretary of state which shall not be the program participant's residential address as ((designated)) documented on her or his application for program participation.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-010 Application and certification process. (1) ~~((An applicant shall complete, date, sign, and))~~ The program applicant shall provide all the information required ~~((under section 3, chapter 23, Laws of 1991, and as requested on the standard application form and the authorization card form provided by the secretary of state))~~ on the certification application and date and sign the form. An applicant shall specify a Washington state residential address ~~((and the new address(es) in Washington state)),~~ work, and school addresses, if any, for which confidentiality is requested. The standard application form shall also include the application preparation date, and the signature ~~((and registration number))~~ of the application assistant ~~((who assisted the applicant in applying to be a program participant,))~~ as provided in ~~((section 8, chapter 23, Laws of 1991))~~ RCW 40.24.080.

(2) An individual who has filed a properly completed application shall be certified as a program participant and issued a program participant authorization card. The authorization card shall include the program participant's name, authorization code, substitute mailing address, certification expiration date, and applicant's signature.

(3) A properly completed application shall be ~~((filed))~~ effective on the day ~~((that))~~ it is received by the address confidentiality program ~~((manager)).~~

~~((3))~~ An individual who has filed a properly completed application shall be certified as a program participant and issued a program participant authorization card which includes the program participant's name, authorization code, substitute mailing address, certification expiration date, and applicant's signature.)

(4) The term of a program participant's certification shall be four years following the ~~((filing))~~ effective date of her or

his application unless the certification is withdrawn or invalidated before that date.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-020 Exercise of program participant's privileges. (1) At the time any state or local government agency creates a new record or updates an existing record, a program participant may request~~(, at the time of creation of a new record,))~~ that ~~((an))~~ the agency use the substitute mailing address~~((designated by the secretary of state as her or his))~~ as the participant's residence, work and/or school address.

(2) A program participant shall show her or his authorization card to the agency official creating a new record and request address confidentiality through the use of the~~((designated address))~~ substitute mailing address as it appears on the authorization card, in lieu of her or his actual location. ~~((The designated address shall appear on the program participant's authorization card.))~~

(3) ~~((Authorized personnel))~~ The agency official creating a new record may make a file photocopy of the authorization card and shall immediately return the authorization card to the program participant.

(4) An agency shall accept the ~~((designated))~~ substitute mailing address unless the agency has received a written ~~((record))~~ exemption ~~((determination))~~ from the secretary of state pursuant to RCW 40.24.050 and WAC 434-840-070.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-030 Certification renewal. (1) A program participant may renew her or his program ~~((participation))~~ certification by filing with the address confidentiality program ~~((manager))~~: (a) Her or his current authorization card; (b) a properly completed certification renewal form; and (c) a new authorization card form ~~((provided by the secretary of state)).~~ The program participant shall ~~((complete, date, sign, and))~~ provide all the information required on the certification renewal form and date and sign the form.

(2) The address confidentiality program ~~((manager))~~ shall: (a) Certify a program participant, who has filed a properly completed certification renewal form, to participate in the program for an additional four year term unless the certification is withdrawn or invalidated before that date; (b) issue to the program participant a new authorization card which includes the program participant's name, authorization code, substitute mailing address, certification expiration date, and signature; ~~((and))~~ (c) if the participant is a protected records voter, notify in writing the authorized personnel of the appropriate county auditor's office~~((, county recording office, and department of health of the certification renewal of a program participant));~~ and (d) if the participant has a protected marriage license, notify in writing the authorized personnel of the department of health and the appropriate county auditor's office.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-040 Certification withdrawal, invalidation, expiration, and termination. (1) A program participant may withdraw from program participation by submitting to the address confidentiality program ~~((manager))~~: ~~((a))~~ Written notification of withdrawal and ~~((b))~~ her or his current authorization card. Certification shall be terminated on the date of receipt of this notification.

(2) The address confidentiality program ~~((manager may))~~ shall terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant's certification term has expired and certification renewal has not been completed; (b) the address confidentiality program ~~((manager))~~ has determined that ~~((+))~~ false information was used in the application process ~~((or (ii) participation in the program is being used as a subterfuge to avoid detection of illegal or criminal activity or apprehension by law enforcement; (c) the program participant no longer resides at the residential address listed on the application, and has not provided seven days' prior notice in writing of a change in address; (d) a service of process document or mail forwarded to the program participant by the address confidentiality program is returned as nondeliverable; (e));~~ or (c) the program participant obtains a legal name change ~~((+ (f) the program participant fails to attend a specified meeting or fails to meet agency regulatory compliance standards as provided in WAC 434-840-090; or (g) the program participant fails to submit program experience and information survey forms requested by the address confidentiality program manager)).~~

(3) The address confidentiality program may terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant no longer resides at the residential address listed on the application, and has not provided seven days' prior notice in writing of a change of address; or (b) first class mail, certified mail, or a service of process document forwarded to the program participant by the address confidentiality program is returned as nondeliverable or unclaimed.

(4) If termination is a result of subsection (2)~~((a), or (e) through (g))~~ or (3) of this section, the address confidentiality program ~~((manager))~~ shall send written notification of the ~~((intended))~~ termination to ~~((the program participant))~~ the participant's last known mailing or residential address. The program participant shall have five business days in which to appeal the termination under procedures developed by the secretary of state.

~~((+))~~ (5) The address confidentiality program shall notify the appropriate authorized personnel when a participant has been terminated from the program. The authorized personnel shall transmit to the address confidentiality program all appropriate administrative records pertaining to the participant. The transmitting agency is no longer responsible for maintaining record confidentiality for a terminated program participant under chapter 40.24 RCW.

(a) If the terminated participant had a protected marriage record, the address confidentiality program ((manager)) shall notify in writing authorized personnel of the department of health and the appropriate county auditor's office~~((, county~~

PROPOSED

recording office, and department of health of the program participant's certification withdrawal, invalidation, expiration, or termination.

(5) Upon receipt of this termination notification: ~~(a) Authorized personnel shall transmit to the address confidentiality program manager all appropriate administrative records pertaining to the program participant, using the confidential record transmission envelopes specially designed for this purpose; and (b) the record transmitting agency is no longer responsible for maintaining a terminated program participant's record confidentiality as provided under chapter 23, Laws of 1991.~~

(6) Following termination of program participant certification as a result of subsection (2)(b) of this section, ~~the address confidentiality program manager may disclose information contained in the program participant's application) of the participant's termination.~~

(b) If the terminated participant was a protected records voter, the address confidentiality program shall notify in writing authorized personnel of the county auditor's office of the participant's termination.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-060 Information release to law enforcement ((or upon court order)) agency. ~~((The disclosure of any marriage application or record, or voter application record, or information about a program participant, requested by a law enforcement agency or by direction of court order pursuant to sections 6, 7, and 12, chapter 23, Laws of 1991:~~

~~(1) Shall be in response to receipt of a written or faxed request directed to a county auditor, a county recording officer, the secretary of state, or the secretary of health: (a)) A request from a law enforcement agency for release of records in a program participant's file shall be in writing, on agency letterhead stationery, and shall contain ~~((i))~~ the signature of the agency's chief law enforcement officer as defined in RCW 10.98.040, ~~((ii))~~ the request date, ~~((iii))~~ and the name of the program participant, ~~((iv))~~ the cause or reason for the requested information disclosure, and ~~(v)~~ state the purpose which the requested information will serve; ~~(b)~~ the county auditor, county recording officer, secretary of state, secretary of health, or authorized personnel may disclose the requested information to the chief officer of the law enforcement agency or to the person identified in the court order; and ~~(c)~~ unless specifically prohibited by court order, the county auditor, county recording officer, secretary of health, or authorized personnel shall immediately notify the address confidentiality program manager and the program participant of this information disclosure and provide a copy of the information disclosure request; or~~

~~(2) May be made by the address confidentiality program manager in response to her or his determination that an emergency situation exists and that the safety or health of a program participant is imperiled by withholding this information:~~

~~(3) Program participant information disclosed to a law enforcement agency or to a person identified in a court order~~

~~shall be maintained in strict confidentiality by the party receiving information)).~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-070 Agency exemption request. (1) An agency requesting an exemption under ~~((section 5, chapter 23, Laws of 1991))~~ RCW 40.24.050, must provide in writing to the secretary of state: (a) Identification of the statute or administrative rule which demonstrates the agency's bona fide requirement and authority for the use of the actual address of an individual; (b) identification and description of the specific record or record series for which the exemption is requested; (c) ~~((description of the specific record or record series; (d)))~~ identification of the individuals who will have access to the record; ~~((e))~~ (d) explanation of how the agency's acceptance of a substitute address will prevent the agency from meeting its obligations under the statute or rule identified above; and ~~((f))~~ (e)(i) explanation of why the agency cannot meet its statutory or administrative obligations by a change in its internal procedures; and, where appropriate, (ii) description of any agency procedural change(s) that could be made that would allow it to accept the substitute address and meet its statutory or administrative obligations and an estimate of implementation time needed.

(2) The secretary of state shall file and review an agency's request for an exemption.

(3) During the review, evaluation and appeal of an agency's exemption request, the agency shall accept the use of a program participant's substitute address.

(4) The secretary of state's determination to grant or withhold a requested exemption shall be based on, but not limited to, an evaluation of the information provided under subsection (1) of this section in conformance with the statutory standard of a bona fide statutory or administrative requirement for the use of a program participant's actual address.

(5) If the secretary of state determines that an agency has a bona fide statutory or administrative requirement for the use of a program participant's actual address information and that the actual address information will be used only for those statutory and administrative purposes, the secretary may issue a written exemption ~~((determination))~~ for the agency. When granting an exemption, the secretary may include: (a) an agency's obligation to maintain the confidentiality of a program participant's address information; (b) limitations on use and access to that address information; (c) term during which the exemption is authorized for the agency; (d) designation of the record format on which the address information may be maintained; (e) designation of an address information disposition date after which the agency may no longer maintain a record of the address information; and (f) any other provisions and qualifications determined appropriate by the secretary of state.

(6) When a program participant requests use of the substitute address in a record, and the agency has received an exemption ~~((determination))~~ for that record, the agency shall immediately provide a copy of the written ~~((determination))~~ exemption to the requesting program participant. The agency

shall notify the address confidentiality program (~~(manager)~~) of the occurrence and denial of the program participant's request.

(7) The secretary of state's denial of an agency exemption request shall be made in writing and include a statement of the specific reasons therefor.

(8) An agency may appeal the denial of its request by resubmitting its written request together with additional data, information, and an explanation of corrective action taken to alleviate concerns and considerations included in the secretary of state's denial determination.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-080 Service of process. (1) The secretary of state shall be an agent of the program participant upon whom any summons, writ, notice, demand, or process may be served.

(2) Service on the secretary of state of any such summons, writ, demand, notice, or process shall be made by mailing to the substitute address or by delivering to ((the address confidentiality program manager of the office of the)) secretary of state at his/her office in the Legislative Building, Olympia, WA: (a) Two copies of the summons, writ, notice, demand, or process; and (b) twenty-five dollars service-of-process fee for each action or document filed.

(3) If a summons, writ, notice, demand, or process is served on the secretary of state, the secretary of state shall immediately (~~(cause)~~) forward a copy (~~((to be forwarded))~~) to the program participant at the participant's current mailing address ((as) shown on the records ((of the address confidentiality program)).

(4) The secretary of state shall (~~(keep)~~) maintain in the program participant's file, a record of all summonses, writs, notices, demands, and processes served upon the secretary of state for that participant under ((section 3(b) of chapter 23, Laws of 1991, and shall record the time)) RCW 40.24.030 (1)(b), which shall include the date of such service and the secretary of state's action.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-100 Acknowledgement for marriage and voting record confidentiality. (1) When a program participant requests (~~((name and address))~~) confidentiality for marriage records, both the program participant and her or his (~~((fieree(e)))~~) intended spouse shall sign and date (~~((an acknowledgement form;))~~) a statement provided by the secretary of state, that (~~((specifies record))~~) describes access limitations on confidential marriage records.

(2) When a program participant requests (~~((name and address))~~) confidentiality for voting records, (~~((the program participant))~~) she or he shall sign (~~((an acknowledgement form;))~~) a statement provided by the secretary of state, that documents the date of this request and (~~((outlines))~~) the ongoing absentee ballot voting process to be used (~~((by protected record voters))~~).

(3) The (~~((county auditor, county recording officer, or))~~) authorized personnel shall keep the original copy of this signed acknowledgement, forward (~~((a duplicate))~~) one copy to the address confidentiality program (~~((in an envelope provided especially for that purpose;))~~) and give (~~((a duplicate))~~) one copy to the program participant.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-110 Proof of program participant's authority. (1) When a program participant requests name and address confidentiality for marriage or voting records, authorized personnel shall check the authorization card to confirm that the term of program participation has not expired and that the program participant's signature ((of the program participant)) on the authorization card matches that on the acknowledgement form.

(2) Authorized personnel may make a photocopy of the program participant's authorization card. The authorization card shall be immediately returned to the program participant. The photocopy shall be kept with the confidential marriage or voting records for this program participant during the time the records are filed and maintained by the county auditor or county recording officer.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-200 Notification for marriage record confidentiality. A program participant shall notify the appropriate county auditor or county recording officer of her or his request for (~~((name and address information))~~) confidentiality in marriage records by appearing in person with her or his (~~((fieree(e)))~~) intended spouse before the county auditor or county recording officer.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-210 Marriage application. (1) Authorized personnel shall verify that the application for a marriage license and certificate of marriage form are (~~((correctly))~~) completed in full. The certificate of marriage (~~((form))~~) shall contain the program participant's authorization code and expiration date.

(2) Authorized personnel shall provide the program participant with a "confidential records" envelope in which the program participant shall transmit all completed marriage documents to the county auditor or county recording officer.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-220 Marriage record filing. (~~((Upon recording a completed marriage license application, certificate, or record, if the county auditor or county recording officer notes the presence of a confidential record in the recording index, this notation shall be made in a manner appropriate to maintaining the confidentiality of name and~~

~~address information contained in that document.) Any notation of a confidential marriage license application, certificate, or record, by a county auditor or county recording officer shall be made in a manner that preserves the confidentiality of the information contained in that document.~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-230 Marriage record transmission to department of health. The county (~~auditor, county recording officer, or~~) authorized personnel shall transmit a (~~correctly~~) completed marriage certificate containing the name and address of a program participant, to the department of health in an envelope distinctly marked "confidential records."

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-240 Certified copy of marriage certificates. (~~A certified copy of a marriage certificate containing the name of a program participant is only available through the address confidentiality program.) Upon the request of a program participant, accompanied by the appropriate fee, the address confidentiality program (~~manager~~) may request in writing a certified copy of a program participant's marriage certificate (~~This written request may be directed to the originating county auditor, county recording office, or the department of health. The request shall accompany a complete application for certified copy and correspondent fee. The requested certified copy shall be provided to the address confidentiality program manager, who is responsible for its subsequent release~~) from the agency maintaining that record and release it to the program participant. A certified copy of a marriage certificate containing the name of the program participant is only available through the address confidentiality program.~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-310 Protected records voter application. (1) A program participant shall notify the appropriate county authorized personnel of her or his request for confidentiality in voting records by appearing in person before the appropriate county authorized personnel. The program participant shall: (a) Present her or his program authorization card; (b) cancel any previously existing voter registration; and ~~((b))~~ (c) apply to vote by providing all the information required on the address confidentiality program ongoing absentee ballot application.

(2) (~~The program participant shall designate a substitute mailing address for voting purposes.~~

~~((3))~~ The program participant shall disclose the actual address of her or his residence only for the purpose of determining proper precinct and district designations.

~~((4))~~ (3) An application for protected records voter status and an absentee ballot to be issued to the participant in person, may be made no later than the day before an election.

An application for ((a)) protected records voter status and an absentee ballot to be mailed to ((a)) the substitute mailing address ((for voting purposes)) shall be made no later than twenty working days before the first election in which the program participant wishes to vote.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-320 Maintaining protected records voter information. All records pertaining to a protected records voter shall be (~~confidentially~~) maintained in a manner ensuring that these records are accessible only to authorized personnel (~~except as provided by WAC 434-840-060~~). A protected records voter shall not be included in any registered voter list, absentee ballot list, tape, label, or poll book. Information pertaining to a protected records voter shall not be publicly accessible regardless of the type of records management system except as provided by RCW 40.24.060.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-330 Mailing protected records voter ballots. At least twenty days before every special, primary, or general election, authorized personnel shall review all protected records voter files and forward the appropriate ongoing absentee ballot for each protected records voter via the (~~designated~~) substitute mailing address (~~for voting purposes~~).

The county authorized shall maintain a record of ballots sent to protected records voters and a record of ballots returned. This record shall be maintained in accordance with WAC 434-840-320.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-340 Processing protected records voter ballot. (1) The ongoing absentee ballot for a protected records voter shall be (~~processed by~~) prepared by county authorized personnel in the following manner:

(a) The ballot(~~;~~) and corresponding (~~reader~~) voter's guide, (~~or paper ballot~~) shall be (~~grouped and~~) placed with ballot security envelope, return envelope with oath (~~mailing envelope, and protected records voter~~) in an envelope addressed to the substitute address;

(b) The voter's name, and authorization code (~~and substitute mailing address for voting purposes~~) shall be entered onto the (~~mailing~~) return envelope(;

~~(e) The information shall be completed on the protected records voter envelope~~) to ensure that the returned ballot will be segregated and routed to authorized personnel for processing;

~~((d))~~ (2) The voted absentee ballot for a protected records voter shall be processed by county authorized personnel in the following manner:

(a) The authorized personnel shall compare the signature on the returned ballot envelope ((shall be compared)) with

the signature on the ~~((service voter))~~ address confidentiality program ongoing absentee ballot application;

~~((e))~~ (b) If the signature does not correspond to the signature on file, indication of this discrepancy shall be entered onto the return envelope; and

~~((f) Whenever the signature on a protected records voter ongoing absentee ballot return envelope does not match the signature on the application on file the address confidentiality program manager shall (i) be notified of the discrepancy, (ii) locate the program participant and)~~ county authorized personnel shall notify the address confidentiality program.

(c) The address confidentiality program shall, upon receipt of a notice pursuant to (b) of this subsection attempt to determine the cause of the discrepancy, and ~~((iii))~~ notify the appropriate county ~~((auditor or county recording officer of the cause of the discrepancy))~~ authorized personnel of any relevant information, that should be considered by the county canvassing board.

(4) If the protected records voter neglects to sign the affidavit on the return envelope, the county authorized personnel shall notify the protected records voter by first class mail of that fact. The authorized personnel may 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. Authorized personnel shall keep a record of the date on which the notice was mailed to the protected records voter as well as the date on which the voter signed the return envelope or the copy of the return envelope affidavit.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-840-350 Canvassing procedure for a special ballot of a protected records voter. A special ballot, as defined in WAC 434-240-010~~(13)~~, 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.))~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-360 Undeliverable ballot. If any protected records voter's ongoing absentee ballot is declared undeliverable by the post office and returned, ~~((the county auditor or county recording officer shall notify))~~ to the address confidentiality program ((manager)), the address confidentiality program ((manager)) shall attempt to determine the cause of this occurrence and inform the county ((auditor or county recording officer of)) authorized person-

nel of any relevant information regarding the reason for the ballot's return.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-840-050 Notification of program participant status.
- WAC 434-840-090 Program participant compliance with agency rules.
- WAC 434-840-120 Record confidentiality.
- WAC 434-840-130 Agency response to public disclosure requests.
- WAC 434-840-300 Notification for voting record confidentiality.

WSR 98-13-115

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 97-06—Filed June 17, 1998, 10:55 a.m.]

Supplemental Notice to WSR 97-23-062.

Preproposal statement of inquiry was filed as WSR 97-08-038.

Title of Rule: Revise stream typing rules adopted by reference via chapter 173-202 WAC, Forest practices rules and regulations to protect water quality.

Purpose: Modify forest practices rules defining Type 2 and 3 waters in WAC 222-16-030 (adopted by reference by chapter 173-202 WAC), and define requirements for Forest Practices Board (FPB) manual.

Other Identifying Information: Forest Practices Board filed companion proposal (WSR 98-12-028).

Statutory Authority for Adoption: RCW 90.48.420, 76.09.040, [76.09.]050 and chapter 34.05 RCW.

Statute Being Implemented: Chapter 90.48 RCW.

Summary: Amend WAC 173-202-020 to adopt by reference changes in WAC 222-12-090 and 222-16-030.

Reasons Supporting Proposal: Field checks and studies showed many streams were mistyped based on physical characteristics. Streams with fish were classed as not having fish. Proposed rule would update stream typing to reflect current state of knowledge and provide intended protection. Proposal will be coordinated with Forest Practices Board staff to the extent practicable.

Name of Agency Personnel Responsible for Drafting: Doug Rushton, 300 Desmond Drive, Lacey, WA 98503, (360) 407-6180; Implementation and Enforcement: Dave Peeler, 300 Desmond Drive, Lacey, WA 98503, (360) 407-6489.

Name of Proponent: Department of Ecology, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fis-

PROPOSED

cal Matters: This proposal based on consensus recommendation from timber, fish, wildlife participants.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule established presumptions for determining fish use in the absence of field verification. Current knowledge about fish use in streams and habitat is needed in forest practices and related water quality rules so appropriate riparian and aquatic protection is provided. Recent studies have shown the need to upgrade some Type 4 (nonfish-bearing) streams to Type 2 or 3 (fish-bearing). The proposed rules are necessary to protect public resources, specifically fish, by ensuring riparian values are being applied to fish-bearing streams and that water quality upstream of fish hatchery intakes is protected.

The proposal adds fish use determination protocols to the Forest Practices Board manual.

Timber, fish, and wildlife (TFW) participants developed this rule and recommended it as a consensus proposal to the forest practices board and ecology as a first step in developing a comprehensive strategy to address fish, water quality, and a functional water typing system. TFW is continuing to develop a more comprehensive proposed rule that will also meet federal water quality requirements.

Proposal Changes the Following Existing Rules: WAC 222-16-030, provides protection of water quality upstream of fish hatcheries; stream gradient percentages changes from "less than 12%" to "16% or less"; stream channel widths change from "5 ft" to "2 ft or greater in W. Wash" and "3 ft or greater in E. Wash"; contributing basin sizes are added to the rule: 50 acres in W. Washington and 175 acres in E. Washington; and the Department of Natural Resources is given authority to waive presumption of fish use based on three specific criteria.

Ecology coadopts by reference through chapter 173-202 WAC, Washington Forest practices rules and regulations to protect water quality (specifically WAC 173-202-020).

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

Small Business Economic Impact Statement

Refer to WSR 97-15-042 for the small business economic impact statement.

A copy of the statement may be obtained by writing to Forest Practices Board Recording Secretary, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, FAX (360) 902-1784.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Considered to be a significant legislative rule.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on December 10, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Forest Practices Board Secretary, (360) 902-1413, by December 1, 1998, TDD (360) 902-1431.

Submit Written Comments to: Doug Rushton, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, FAX (360) 407-6426, by December 11, 1998.

Date of Intended Adoption: December 17, 1998.

June 15, 1998

Dan Silver

Deputy Director

[AMENDATORY SECTION (Amending Order 97-46, filed 3/30/98)]

WAC 173-202-020 Certain WAC sections adopted by reference. The following sections of the Washington Administrative Code existing on (~~March 13, 1998~~) May 28, 1998, are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

WAC 222-08-035—Continuing review of forest practices regulations.

WAC 222-12-010—Authority.

WAC 222-12-040—Alternate plans.

WAC 222-12-045—Adaptive management.

WAC 222-12-046—Cumulative effect.

WAC 222-12-070—Enforcement policy.

WAC 222-12-090—Forest practices board manual.

WAC 222-16-010—General definitions.

WAC 222-16-030—Water typing system.

WAC 222-16-035—Wetland typing system

WAC 222-16-050 (1)(a), (1)(h), (1)(i), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(n), (3)(o), (3)(p), (4)(c), (4)(d), (4)(e), (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(h), (5)(n)—Classes of forest practices.

WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.

WAC 222-22-010—Policy.

WAC 222-22-020—Watershed administrative units.

WAC 222-22-030—Qualification of watershed resource analysts, specialists, and field managers.

WAC 222-22-040—Watershed prioritization

WAC 222-22-050—Level 1 watershed resource assessment.

WAC 222-22-060—Level 2 watershed resource assessment.

WAC 222-22-070—Prescription recommendation.

WAC 222-22-080—Approval of watershed analysis.

WAC 222-22-090—Use and review of watershed analysis.

WAC 222-22-100—Application review prior to watershed analysis.

WAC 222-24-010—Policy.

WAC 222-24-020 (2), (3), (4), (6)—Road location.

WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.

WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road construction.

WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—Landing location and construction.

WAC 222-24-040 (1), (2), (3), (4)—Water crossing structures.

WAC 222-24-050—Road maintenance.

- WAC 222-24-060 (1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.
- WAC 222-30-010—Policy—Timber harvesting.
- WAC 222-30-020 (2), (3), (4), (5), (7)(a), (7)(e), (7)(f), (8)(c)—Harvest unit planning and design.
- WAC 222-30-025—Green-up: Even-aged harvest size and timing.
- WAC 222-30-030—Stream bank integrity.
- WAC 222-30-040—Shade requirements to maintain stream temperature.
- WAC 222-30-050 (1), (2), (3)—Felling and bucking.
- WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.
- WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—Tractor and wheeled skidding systems.
- WAC 222-30-080 (1), (2)—Landing cleanup.
- WAC 222-30-100 (1)(a), (1)(c), (4), (5)—Slash disposal.
- WAC 222-34-040—Site preparation and rehabilitation.
- WAC 222-38-010—Policy—Forest chemicals.
- WAC 222-38-020—Handling, storage, and application of pesticides.
- WAC 222-38-030—Handling, storage, and application of fertilizers.
- WAC 222-38-040—Handling, storage, and application of other forest chemicals.

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.

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

WSR 98-13-121

PROPOSED RULES

APPLE ADVERTISING COMMISSION

[Filed June 17, 1998, 11:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-06-083.

Title of Rule: Chapter 24-12 WAC, Assessments.

Purpose: Increase the assessment on fresh apples grown in the state from 54.3 cents per one hundred pounds (25 cents per standard 46 pound box) to 86.96 per one hundred pounds (40 cents per standard 46 pound box) for a period of three years. At the end of three years, the rate will be submitted to a vote of the growers to determine if the rate will remain in effect after that date, or return to 54.3 cents per one hundred pounds.

Statutory Authority for Adoption: Chapter 15.24 RCW, chapter 303, Laws of 1997.

Statute Being Implemented: Chapter 15.24 RCW.

Summary: The rule change, if approved by a majority of the affected producers voting in a referendum, will increase the assessment on fresh apples from 54.3 cents per one hundred pounds to 86.96 cents per one hundred pounds for a

period of three years. At the end of three years, the rate will be submitted to a vote of the growers to determine if the rate will remain in effect after that date.

Reasons Supporting Proposal: The assessment increase is necessary to maintain markets and expand sales of fresh apples grown in Washington.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve Lutz, 2900 Euclid Avenue, Wenatchee, WA, (509) 663-9600.

Name of Proponent: Washington Apple Advertising Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Adoption of the rule is subject to approval by a majority of the affected producers voting in a referendum conducted by the Department of Agriculture.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Apple Advertising Commission has approved a resolution to submit a proposal to a vote of the apple growers to increase the assessment on fresh apples from 54.3 cents per one hundred pounds to 86.96 cents per one hundred pounds for a period of three years. The additional funds generated by the assessment increase will be used exclusively for direct consumer advertising. At the end of three years, the assessment rate will be submitted to a vote of the growers to determine if the rate will remain in effect after that date.

Proposal Changes the Following Existing Rules: The proposed amendment will increase the assessments on fresh apples from 54.3 cents per one hundred pounds to 86.96 cents per one hundred pounds for a period of three years and establish a procedure to determine if the rate will remain in effect after that date.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will only affect fresh apple growers in Washington state and will only become effective with the approval of a majority of fresh apple growers voting in a referendum. There will be no disproportionate cost to small businesses because producers of apples in Washington state area considered small businesses (less than fifty full-time, year-round employees). All cost as well as economic benefit to the producer will be in proportion to the level of production of each producer.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Washington Apple Advertising Commission is not a listed agency in section 201.

Hearing Location: Washington Apple Commission, General Meeting Room, 2900 Euclid Avenue, Wenatchee, WA, on July 21, 1998, at 9 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by July 17, 1998, TDD (360) 902-1997, or (360) 902-1976.

Submit Written Comments to: Steve Lutz, President, Washington Apple Commission, P.O. Box 18, Wenatchee, WA 98807, FAX (509) 663-5824, by July 21, 1998.

Date of Intended Adoption: August 31, 1998.

June 17, 1998

Steve Lutz

President

**WSR 98-13-125
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 17, 1998, 11:48 a.m.]

AMENDATORY SECTION (Amending Order 19, filed 10/17/86)

WAC 24-12-010 Amount of assessments. (1) There is hereby levied upon all fresh apples grown annually in this state, and upon all apples packed as Washington apples, an assessment of ~~((32.6)) 89.96~~ cents on each one hundred pounds gross billing weight until September ~~((1, 1986)) 30, 2001~~. On and after ~~((September 1, 1986)) October 1, 2001~~ the assessment on fresh apples ~~((is hereby increased)) shall be 54.3 cents~~ on each one hundred pounds gross billing weight ~~((in the following amounts:~~

- (a) ~~By 10.9 cents from 32.6 cents to 43.5 cents effective September 1, 1986;~~
- (b) ~~By 6.5 cents from 43.5 cents to 50.0 cents effective September 1, 1988;~~
- (c) ~~By 4.3 cents from 50.0 cents to 54.3 cents effective September 1, 1990).~~

For the period October 1, 1998 through September 30, 2001, 35.66 cents of the assessment on each one hundred pounds gross billing weight shall used only for direct consumer advertising.

(2) Assessments shall be payable as provided in WAC 24-12-012, whether in bulk or loose in boxes or any other container, or packed in any style package. The gross billing weights for the following containers shall apply for the purpose of computing said assessments:

DESCRIPTION OF CONTAINER	GROSS BILLING WEIGHTS
1/3 Bushel box (packed or loose)	15 lbs.
1/2 Bushel box (loose)	23 lbs.
Bulk bushel container (loose)	Net weight plus 3 lbs. tare
9/4 and 12/3 Bag containers	41 lbs.
13/3 Bag container	44 lbs.
10/4 and 8/5 Bag containers	45 lbs.
12/4 Bag container	53 lbs.
Standard tray pack container	46 lbs.
Pocket cell tray pack container	46 lbs.
Cell pack containers, all counts	46 lbs.
2-Layer tray pack container	23 lbs.
Single-layer tray pack container	12 lbs.

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.

Original Notice.

Preproposal statement of inquiry was filed as WSR [98-09-123].

Title of Rule: Special assistant attorneys general.

Purpose: Governs the use of private attorneys for pursuing third party recoveries.

Statutory Authority for Adoption: RCW 34.05.310.

Statute Being Implemented: RCW 51.24.110, 51.12.102.

Summary: The rule would allow the Attorney General's Office to appoint out of state attorneys and remove an attorney for cause. The rule has also been rewritten to make it clearer.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim Nylander, Tumwater, (360) 902-5118.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: We believe it will enhance efficiency in the special assistant attorneys general program.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purposes for these proposed amendments to the rules are to:

(1) Allow the Attorney General's Office to appoint out-of-state attorneys as special assistant attorneys general for actions brought on behalf of the Department of Labor and Industries in other states.

(2) Remove an attorney, for cause, from the lists of attorneys eligible for appointment.

(3) Rewrite the rule to make it clearer.

Proposal Changes the Following Existing Rules: Currently, the rule would appear to limit use of private attorneys to Washington, but this is not practical in out-of-state cases. The amendment clarifies that out-of-state practitioners can be used. In addition, the existing rule provides for addition of attorneys to the list, but does not provide for removal when there are problems. This means an attorney who has not met basic performance expectations could continue to receive cases. The amendment allows for removal of an attorney, for cause, from the lists of attorneys eligible for appointment.

No small business economic impact statement has been prepared under chapter 19.85 RCW. An analysis was done. The department determined that there would not be a more than minor impact on business, but rather only affect those attorneys who violate terms of their contract or appointment, or flagrantly misrepresent the department. Thus, the department is exempt from preparing a formal small business economic impact statement.

RCW 34.05.328 applies to this rule adoption. An analysis of the probable costs and benefits has been completed and

PROPOSED

may be obtained by writing to Michael Ratko, Legislative Economist, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, phone (360) 902-6805.

Hearing Location: Labor and Industries, Conference Room S126, 7273 Linderson Way S.W., Tumwater, on July 21, 1998, at 1:00 p.m.

Submit Written Comments to: Jim Nylander, P.O. Box 44288, Olympia, WA 98504, FAX (360) 902-5156, by July 31, 1998.

Date of Intended Adoption: September 2, 1998.

June 15, 1998

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 93-23-060, filed 11/15/93, effective 1/1/94)

WAC 296-14-900 (~~(Purpose.)~~) Authority to use special assistant attorneys general. WAC 296-14-900 through 296-14-940 implement RCW 51.12.102 and 51.24.110, which authorize((s)) the department to use private attorneys as special assistant attorneys general.

AMENDATORY SECTION (Amending WSR 93-23-060, filed 11/15/93, effective 1/1/94)

WAC 296-14-910 (~~(Definitions.)~~) Lists of special assistant attorneys general. ((In WAC 296-14-900 through 296-14-940:

"Department" means the department of labor and industries-) (1) The department must determine from the application and other sources if an attorney qualifies to be placed on the lists of attorneys eligible to represent the department as special assistant attorneys general. The department may consult with the Washington State Bar Association and the office of the attorney general to make the determination.

(2) The office of the attorney general must appoint qualified attorneys as special assistant attorneys general. Once appointed, these attorneys become eligible to represent the department. Appointed attorneys serve at the pleasure of the office of the attorney general, and the appointments may be canceled without cause.

(3) The department must compile and maintain lists of attorneys eligible to represent the department as special assistant attorneys general. Referrals may be made from the lists and contracts entered into.

(4) Once a year, the department must provide a current copy of its lists of attorneys to the office of the attorney general and to the Washington State Bar Association.

AMENDATORY SECTION (Amending Order 88-03, filed 3/31/88)

WAC 296-14-920 Qualifications ((criteria)) of special assistant attorneys general. To ((qualify for the list of attorneys from which appointments may be made to represent the department as special assistant attorneys general, an attorney must meet the following minimum criteria:)) be eligible for

placement on the department's lists of attorneys, an attorney must:

(1) Be an active member of the Washington State Bar Association;

(2) Meet bar association requirements of the state the action is in, if other than Washington;

(3) Maintain a trust account in compliance with the rules of professional conduct; and

((3)) (4) Have and maintain in force professional liability insurance.

AMENDATORY SECTION (Amending WSR 93-23-060, filed 11/15/93, effective 1/1/94)

WAC 296-14-930 (~~(Application by attorneys.)~~) Applying for special assistant attorney general. (1) ((An attorney who meets the qualification criteria may seek inclusion on the list of attorneys by filing an application with the department.)) Application forms may be obtained from the office of the attorney general, the Washington State Bar Association, or the department.

(2) The ((application form shall be prepared by the department in consultation with the office of the attorney general. The application shall require the applicant to declare under penalty of perjury that the information is true and shall require the applicant to inform)) applicant must:

(a) Complete the form and send it to the department; and

(b) Inform the department and the office of the attorney general immediately of any changes in his or her qualifications.

AMENDATORY SECTION (Amending WSR 93-23-060, filed 11/15/93, effective 1/1/94)

WAC 296-14-940 (~~(List of attorneys.)~~) Removal of special assistant attorneys general. (1) ((The department shall determine from the application and from other sources whether an attorney meets the criteria of WAC 296-14-920. The department may consult with the Washington State Bar Association and the office of the attorney general if necessary to make the determination.

(2) The department shall compile and maintain the lists of attorneys from which the attorney general may select special assistant attorneys general to represent the department.

(3) The department shall, once every year, provide the attorney general and the Washington State Bar Association with a current copy of the lists of the attorneys.

(4) RCW 51.12.102, 51.24.110 and WAC 296-14-900 through 296-14-940 do not give the attorneys on the special assistant attorney general lists any right to any expectation of employment as a special assistant attorney general and/or assistant attorney general.

(5) The designation "special assistant attorney general" shall not be used by a private attorney on any correspondence or pleadings relating to services, nor shall they refer to themselves as such other than as necessary to show their authority in a specific case to represent the department.) RCW 51.12.102 and 51.24.110 and WAC 296-14-900 through 296-14-940 do not give private attorneys on the special assistant attorneys general lists any right to expect employment.

(2) Private attorneys, unless representing the department in a specific case, must not:

(a) Refer to themselves as "special assistant attorney general"; or

(b) Include this designation on any correspondence or pleadings relating to services.

(3) The department, in conjunction with the office of the attorney general and the Washington State Bar Association, may remove an attorney for cause from the lists of attorneys eligible to represent the department. Cause includes, but is not limited to:

(a) Misuse of the designation "special assistant attorney general";

(b) Lapse of any qualification; or

(c) Failure to meet performance requirements of the department contract.

(4) After one year an attorney may write to the department and request to be placed on the lists of attorneys eligible to represent the department again. The department in its discretion may place the attorney on its lists again.

(5) If the department removes an attorney from the lists a second time, or if the department decides not to place a removed attorney on its lists again, the department must notify the office of the attorney general to cancel the appointment. The department may refer the attorney to the Washington State Bar Association for consideration of disciplinary action. The attorney must reapply for appointment.

WSR 98-13-127

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed June 17, 1998, 11:55 a.m.]

The Department of Agriculture is withdrawing WSR 98-10-115 filed on May 6, 1998. Another filing will be made on June 17, 1998.

Jim Jesernig
Director

WSR 98-13-128

**PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed June 17, 1998, 11:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-107.

Title of Rule: Chrysanthemum white rust disease quarantine chapter 16-471 WAC.

Purpose: To repeal the quarantine.

Statutory Authority for Adoption: RCW 17.24.041.

Statute Being Implemented: RCW 17.24.041.

Summary: The existing state quarantine was designed to complement a federal quarantine governing international and interstate shipment of possible hosts of chrysanthemum white rust. Since then the federal regulations have changed, state

standards for plant health have been modified, and our knowledge of the disease has expanded. The current rule is outdated and no longer necessary.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, Assistant Director, 1111 Washington Street, Olympia, WA 98504, (360) 902-1907; Implementation and Enforcement: Tom Wessels, Plant Services Program Manager, 1111 Washington Street, Olympia, WA 98504, (360) 902-1984.

Name of Proponent: Thompson's Greenhouse and Skagit Gardens, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The existing state quarantine was designed to complement a federal quarantine governing international and interstate shipment of possible hosts of chrysanthemum white rust. Since then the federal regulations have changed, state standards for plant health have been modified, and our knowledge of the disease has expanded. The current rule is outdated and no longer necessary.

Proposal Changes the Following Existing Rules: It will repeal the existing chrysanthemum white rust quarantine.

No small business economic impact statement has been prepared under chapter 19.85 RCW. We are eliminating substantive regulatory requirements which are already covered under federal quarantine.

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 N.E., 2nd Floor, Conference Room 259, Olympia, WA 98504, on August 26, 1998, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by August 19, 1998, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Mary Toohey, Assistant Director, Washington State Department of Agriculture, Lab Services Division, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2094, by August 26, 1998.

Date of Intended Adoption: September 9, 1998.

June 17, 1998

Mary A. Martin Toohey
Assistant Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-471-010 Definitions.
- WAC 16-471-015 Penalties.
- WAC 16-471-020 Quarantine—Chrysanthemum white rust disease.
- WAC 16-471-030 Area under quarantine.
- WAC 16-471-040 Regulated articles.

PROPOSED

- WAC 16-471-050 Conditions governing the movement of regulated articles from an area under quarantine.
- WAC 16-471-060 Plant and plant parts to be destroyed or treated—Interval before replanting.
- WAC 16-471-070 Special permits and compliance agreements.
- WAC 16-471-080 Notice of quarantine—Notice of destruction.

of diseased or infested plants which could require extensive treatment with pesticides.

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

Hearing Location: Washington State Department of Agriculture, 1111 Washington Street, 2nd Floor, Conference Room 259, Olympia, Washington, on August 3, 1998, at 2 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by July 27, 1998, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Mary Toohey, Assistant Director, Washington State Department of Agriculture, Lab Services Division, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2094, by August 3, 1998.

Date of Intended Adoption: August 17, 1998.

June 17, 1998

Mary A. Martin Toohey
Assistant Director

WSR 98-13-129

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed June 17, 1998, 11:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-05-105.

Title of Rule: Freedom from infestation by plant pests.

Purpose: To define freedom from infestation by plant pests and updating existing rules implementing chapter 15.13 RCW.

Statutory Authority for Adoption: Chapter 15.13 RCW.
Statute Being Implemented: Chapter 15.13 RCW.

Summary: RCW 15.13.390 requires "freedom from infestation by plant pests" to be defined in rule.

Reasons Supporting Proposal: Existing rules implementing chapter 15.13 RCW are no longer entirely responsive to stakeholder and program needs and should be updated.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; Implementation and Enforcement: Tom Wessels, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1984.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 15.13.390 requires that "freedom from infestation by plant pests" to be defined in rule.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. As required in statute this rule sets a minimum standard for the sale and transport of horticultural plants. It confirms and codifies longstanding practice for this state's nursery activities and achieves consistency with relevant federal standards. This rule would provide an economic benefit to the nursery industry by reducing the population of plant pests, controlling the spread of pest and diseases, raising the quality of nursery products produced and sold in the state, and enhancing the reputation for the nursery industry in general. Most competing states have a freedom from infestation rule for horticultural plants. This rule would also benefit the consumer by preventing the sale

Chapter 16-402 WAC

**FREEDOM FROM INFESTATION BY
PLANT PESTS**

NEW SECTION

WAC 16-402-005 Freedom from infestation—General. Issuance of any document stating that horticultural plants are apparently free from plant pests means only that the plants were inspected and found to meet the standards for freedom from infestation by plant pests described in this chapter. The department disclaims all expressed or implied warranties, including without limitations implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant material under this chapter. The department is not responsible for disease, genetic disorders, failure of performance or otherwise in connection with this chapter. No grower, nursery dealer, government official or other person is authorized to give any expressed or implied warranties on behalf of the department regarding this chapter.

NEW SECTION

WAC 16-402-010 Definitions. The definitions in this section shall apply throughout this chapter.

- (1) "Department" means the Washington State Department of Agriculture.
- (2) "Director" means the director of the Washington State Department of Agriculture or the director's duly authorized representative.
- (3) "Established" means a reproducing population of a pest that is expected to have a permanent presence.
- (4) "Harmful" means injurious or potentially injurious to horticultural plants.

PROPOSED

(5) "Quarantine pest" means any pest listed in current Washington State quarantines as promulgated in chapter 17.24 RCW.

(6) "Practically free" means horticultural plants which do not exceed:

- (a) a 2% infestation level; or
- (b) an infestation in an amount expected to result from and be consistent with good culturing and handling practices employed in the production and marketing of the horticultural plants.

NEW SECTION

WAC 16-402-015 Standards for freedom from infestation by plant pests. Horticultural plants sold, held for sale, shipped or transported into the state must be:

- (1) free of quarantine pests;
- (2) free of pests that would be harmful if allowed to become established within the state or county; and
- (3) practically free of plant pests.

Determination of this standard shall be based on visual inspection by the department.

NEW SECTION

WAC 16-402-020 Compliance with standards required. (1) Horticultural plants sold, held for sale, shipped or transported in the state must comply with the standards described in this chapter.

(2) The director may deny, suspend or revoke the license of any person selling, holding for sale, shipping or transporting horticultural plants in violation of this chapter, pursuant to RCW 15.13.350. The director may also issue civil penalties in accordance with RCW 15.13.490 for violations of this chapter.

(3) Any horticultural plant sold, held for sale, shipped or transported in violation of this chapter shall be subject to a hold order, issued pursuant to RCW 15.13.430, or an order of condemnation, issued pursuant to RCW 15.13.440. Upon issuance of a hold order or an order of condemnation, the seller or holder of the plant material is entitled to request a hearing under chapter 34.05 RCW.

(4) The department shall issue a Nursery Inspection Record or other official document(s) certifying compliance to this chapter.

PROPOSED

WSR 98-13-078
EXPEDITED ADOPTION
HEALTH CARE AUTHORITY

[Filed June 16, 1998, 9:50 a.m.]

Title of Rule: Request for inspection of records.
Purpose: Correct typographical error in WAC 182-04-070.

Statutory Authority for Adoption: RCW 41.05.160.

Statute Being Implemented: Chapter 41.05 RCW.

Summary: Correct a typographical error.

Reasons Supporting Proposal: Correct information blocks. Identify address where request should be mailed and what information is necessary.

Name of Agency Personnel Responsible for Drafting: Francine Spahr, Lacey, 923-2913, Implementation and Enforcement: Elin Meyer, Lacey, 923-2801.

Name of Proponent: Health Care Authority, governmental.

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 Elin Meyer, Health Care Authority, P.O. Box 42705, Olympia, WA 98504-2705, AND RECEIVED BY August 14, 1998.

June 16, 1998
Elin Meyer
Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-21-125, filed 10/21/97, effective 11/21/97)

WAC 182-04-070 Request for inspection of records.

The HCA hereby adopts for use by all persons requesting inspection and/or copying of its records, the form set out below, entitled "Request for Inspection of Records."

The information requested in Blocks ((+)) 4 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

Return the request for inspection of records to:

Public Disclosure Office
Health Care Authority
676 Woodland Square Loop S.E.
Post Office Box 42705
Olympia, Washington 98504-2705

WSR 98-13-093

EXPEDITED ADOPTION

INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-13—Filed June 16, 1998, 4:53 p.m.]

Title of Rule: Chapter 284-20 WAC, Insurance policies.
Purpose: The proposed changes would update and clarify the sections of this chapter.

Statutory Authority for Adoption: RCW 48.02.060, 48.30.010.

Statute Being Implemented: RCW 48.01.030, 48.05.280, 48.15.100, 48.15.170.

Summary: This rule making is a part of the commissioner's on-going regulatory improvement process. This chapter was reviewed with the aim of improving the clarity and efficiency of the rules.

Reasons Supporting Proposal: The WAC would be clearer, more accessible, and more efficient.

Name of Agency Personnel Responsible for Drafting: Jon Hedegard, Lacey, Washington, (360) 407-0728; Implementation and Enforcement: Terry Nordahl, Olympia, Washington, (360) 586-2371.

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 changes are a part of the commissioner's regulatory improvement review process. The changes are intended to update and clarify chapter 284-20 WAC. The WAC should be clearer and more accessible to all interested parties.

Proposal Changes the Following Existing Rules: The proposal updates and clarifies WAC 284-20-006, 284-20-020, 284-20-030, 284-20-040, 284-20-050, 284-20-100, and 284-20-200. WAC 284-20-070 will be repealed. This sec-

EXPEDITED ADOPTION

tion had no text, merely an outdated reference to a different WAC section. This was unnecessary and will be repealed.

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 Kacy Brandeberry, Office of the Insurance Commissioner, P.O. Box 40256, Olympia, WA 98504-0256, e-mail KacyB@oic.wa.gov, FAX (360) 407-0186, AND RECEIVED BY August 1, 1998.

June 15, 1998

Greg J. Scully

Chief Deputy Commissioner

AMENDATORY SECTION (Amending Order R 81-9, filed 12/30/81)

WAC 284-20-006 Washington Insurance Examining Bureau, Inc.—Audits to test adherence to rate filings. (1) In performing the duty of ~~((ascertaining))~~ determining that lawful premiums are being charged, the commissioner finds that it is not reasonable or necessary, with regard to any kind of insurance, to mandate that data relating to all policies issued be submitted for examination. ~~((He does))~~ The commissioner finds, however, ((that)) as to all kinds of insurance falling within the scope of chapter 48.19 RCW, that occasions may arise where ~~((, in order to ascertain that lawful rates are being charged,))~~ documents with respect to certain policies should be submitted for examination ~~((, and that such))~~ in order to determine that lawful rates are being charged. The required submission should((, in some instances,)) be on a random audit basis ~~((, and in some instances,))~~ or by designation of certain specific policies.

(2) Based on the ~~((foregoing))~~ preceding subsection and ((pursuant to)) under RCW 48.19.410 ~~((, with respect to policies having an effective date on and after February 1, 1982,))~~ every insurer authorized to write property or casualty insurance in the state of Washington:

(a) May submit to the Washington Insurance Examining Bureau, Inc., for examination, ~~((any policies and the related daily reports, binders, renewal certificates, endorsements, and other evidences of insurance or the cancellation thereof, which))~~ the following information that relates to property insurance as defined in RCW 48.11.040 ~~((;))~~:

(i) Any policies and the related daily reports;

(ii) Binders;

(iii) Renewal certificates;

(iv) Endorsements; and

(v) Other evidences of insurance or the cancellation of insurance.

(b) Shall make available to the ~~((Washington Insurance Examining))~~ bureau, ((Inc. a specifically identified policy

~~and the related daily reports, binders, renewal certificates, endorsements, and other evidences of insurance or the cancellation thereof, when directed to do so by the commissioner; and~~

~~((e) Shall make available to the Washington Insurance Examining Bureau, Inc. such policies and the related daily reports, binders, renewal certificates, endorsements, and other evidences of insurance or the cancellation thereof,))~~ the information listed in (a)(i) through (v) of this subsection:

(i) When directed to do so by the commissioner regarding a specifically identified policy; and

(ii) As may be required by the commissioner for purposes of random audits designed to test the companies' adherence to rate filings.

AMENDATORY SECTION (Amending Order R 77-2, filed 4/28/77)

WAC 284-20-020 Time of inception and expiration. ~~((Until January 1, 1978, any contract of insurance containing a basic contract of fire insurance shall provide that its time of inception and expiration are either noon or 12:01 a.m. standard time.))~~ Every ~~((such))~~ basic contract ~~((issued on or after January 1, 1978,))~~ of fire insurance shall provide only 12:01 a.m. standard time as the time of inception and expiration. ~~((Such))~~ The contract, by endorsement or otherwise, shall also contain language in substance as follows: "To the extent that coverage contained in this policy replaces coverage in another policy terminating at a different hour on the effective date of this policy, this policy shall be effective at the same hour as the termination hour of the other policy."

AMENDATORY SECTION (Amending Order R 77-3, filed 5/20/77)

WAC 284-20-030 Purpose. (1) The purpose of this regulation, WAC 284-20-030 through 284-20-050, is to describe the kinds of risks and coverages ~~((which))~~ that may be classified under the insurance code as marine, inland marine or transportation insurance ~~((, but))~~. This regulation does not include all of the kinds of risks and coverages ~~((which))~~ that may be written, classified or identified under marine, inland marine or transportation insuring powers, nor shall it ~~((be construed to))~~ mean that the kinds of risks and coverages are solely marine, inland marine or transportation insurance in all instances.

(2) This regulation ~~((shall))~~ does not ((be construed to)) restrict or limit in any way the exercise of any insuring powers granted under charters and license ~~((whether used separately, in combination or otherwise)).~~

AMENDATORY SECTION (Amending Order R 77-3, filed 5/20/77)

WAC 284-20-040 Classification of risks and coverages. Marine and/or transportation policies may cover under the following conditions:

(1) Imports.

(a) Imports may be covered wherever the property may be and without restriction as to time, provided the coverage of the issuing companies includes hazards of transportation.

(b) An import, as a proper subject of marine or transportation insurance, ~~((shall be))~~ is deemed to maintain its character as such, so long as the property remains segregated in such a way that it can be identified and has not become incorporated and mixed with the general mass of property in the United States, and ~~((shall be))~~ is deemed to have been completed when ~~((such))~~ the property has been:

(i) Sold and delivered by the importer, factor or consignee; or

(ii) Removed from place of storage and placed on sale as part of importer's stock in trade at a point of sale-distribution; or

(iii) Delivered for manufacture, processing or change in form to premises of the importer or of another used for any such purposes.

(2) Exports.

(a) Exports may be covered wherever the property may be without restriction as to time, provided the coverage of the issuing companies includes hazards of transportation.

(b) An export, as a proper subject of marine or transportation insurance, ~~((shall be))~~ is deemed to acquire its character as such when designated or while being prepared for export and retain that character unless diverted for domestic trade, and when so diverted, the provisions of this ruling respecting domestic shipments shall apply, provided, however, that this provision shall not apply to long established methods of insuring certain commodities, e.g., cotton.

(3) Domestic shipments.

(a) Domestic shipments on consignment, for sale, distribution, exhibit, trial, approval or auction, while in transit, while in the custody of others, and while being returned, provided that in no event shall the policy afford coverage on premises owned, leased or operated by the consignor.

(b) Domestic shipments not on consignment, provided the coverage of the issuing companies includes hazards of transportation, beginning and ending within the United States, provided that ~~((such))~~ the shipments shall not be covered at manufacturing premises nor after arrival at premises owned, leased or operated by insured or purchaser.

(4) **Bridges, tunnels and other instrumentalities** of transportation and communication (excluding buildings, their improvements and betterments, furniture and furnishings, fixed contents and supplies held in storage). The foregoing includes:

(a) Bridges, tunnels, other similar instrumentalities, including auxiliary facilities and equipment attendant thereto.

(b) Piers, wharves, docks, slips, dry docks and marine railways.

(c) Pipelines, including on-line propulsion, regulating and other equipment appurtenant to such pipelines, but excluding all property at manufacturing, producing, refining, converting, treating or conditioning plants.

(d) Power transmission and telephone and telegraph lines, excluding all property at generating, converting or transforming stations, substations and exchanges.

(e) Radio and television communication equipment in use as such including towers and antennae with auxiliary

equipment, and appurtenant electrical operating and control apparatus.

(f) Outdoor cranes, loading bridges and similar equipment used to load, unload and transport.

(5) **Personal property floater risks** covering individuals and/or generally:

(a) Personal effects floater policies.

(b) The personal property floater.

(c) Government service floaters.

(d) Personal fur floaters.

(e) Personal jewelry floaters.

(f) Wedding present floaters for not exceeding ninety days after the day of the wedding.

(g) Silverware floaters.

(h) Fine arts floaters covering paintings, etchings, pictures, tapestries, art glass windows, and other bonafide works of art of rarity, historical value or artistic merit.

(i) Stamp and coin floaters.

(j) Musical instrument floaters. Radios, televisions, record players and combinations thereof are not deemed musical instruments.

(k) Mobile articles, machinery and equipment floaters (excluding motor vehicles designed for highway use and auto homes, trailers and semi-trailers except when hauled by tractors not designed for highway use) covering identified property of a mobile or floating nature pertaining to or usual to a household. ~~((Such))~~ The policies shall not cover furniture and fixtures not customarily used away from premises where such property is usually kept.

(l) Installment sales and leased property policies covering property pertaining to a household and sold under conditional contract of sale, partial payment contract or installment sales contract or leased, but excluding motor vehicles designed for highway use. ~~((Such))~~ The policies must cover in transit but shall not extend beyond the termination of the seller's or lessor's interest.

(m) Live animal floaters.

(6) **Commercial property floater risks** covering property pertaining to a business, profession or occupation, as follows:

(a) Radium floaters.

(b) Physicians' and surgeons' instrument floaters. ~~((Such))~~ The policies may include coverage of ~~((such))~~ furniture, fixtures and tenant insured's interest in ~~((such))~~ the improvements and betterments of buildings as are located in that portion of the premises occupied by the insured in the practice of his or her profession.

(c) Pattern and die floaters.

(d) Theatrical floaters, excluding buildings and their improvements and betterments, and furniture and fixtures that do not travel about with theatrical troupes.

(e) Film floaters, including builders' risk during the production and coverage on completed negatives and positives and sound records.

(f) Salesmen's samples floaters.

(g) Exhibition policies on property while on exhibition and in transit to or from ~~((such))~~ the exhibitions.

(h) Live animal floaters.

(i) Builders risks and/or installation risks covering interest of owner, seller or contractor, against loss or damage to

machinery, equipment, building materials or supplies, being used with and during the course of installation, testing, building, renovating or repairing. ~~((Such))~~ The policies may cover at points or places where work is being performed, while in transit and during temporary storage or deposit, of property designated for and awaiting specific installation, building, renovating or repairing.

(i) ~~((Such))~~ The coverage ~~((shall be))~~ is limited to build-ers risks or installation risks where perils in addition to fire and extended coverage are to be insured.

(ii) If written for account of owner, the coverage shall cease upon completion and acceptance thereof; or if written for account of a seller or contractor the coverages shall terminate when the interest of the seller or contractor ceases.

(j) Mobile articles, machinery and equipment floaters (excluding motor vehicles designed for highway use and auto homes, trailers and semi-trailers except when hauled by tractors not designed for highway use and snow plows constructed exclusively for highway use), covering identified property of a mobile or floating nature, not on sale or consignment, or in course of manufacture, which has come into custody or control of parties who intend to use such property for the purpose for which it was manufactured or created. ~~((Such))~~ The policies shall not cover furniture and fixtures not customarily used away from premises where such property is usually kept.

(k) Property in transit to or from and in the custody of bailees (not owned, controlled or operated by the bailor.) ~~((Such))~~ The policies shall not cover bailee's property at his premises.

(l) Installment sales and leased property. Policies covering property sold under conditional contract of sale, partial payment contract, installment sales contract, or leased but excluding motor vehicles designed for highway use. ~~((Such))~~ The policies must cover in transit but shall not extend beyond the termination of the seller's or lessor's interest. This section is not intended to include machinery and equipment under certain "lease-back" contracts.

(m) Garment contractors floaters.

(n) Furriers or fur storer's customer's policies (i.e., policies under which certificates or receipts are issued by furriers or fur storers) covering specified articles the property of customers.

(o) Accounts receivable policies, valuable papers and records policies.

(p) Floor plan policies, covering property for sale while in possession of dealers under a floor plan or any similar plan under which the dealer borrows money from a bank or lending institution with which to pay the manufacturer, provided:

(i) ~~((Such))~~ The merchandise is specifically identifiable as encumbered to the bank or lending institution.

(ii) The dealer's right to sell or otherwise dispose of ~~((such))~~ the merchandise is conditioned upon its being released from encumbrance by the bank or lending institution.

(iii) ~~((Such))~~ The policies cover in transit and do not extend beyond the termination of the dealer's interest.

~~((Such))~~ The policies shall not cover automobiles or motor vehicles, nor merchandise for which the dealer's collateral is the stock or inventory as distinguished from merchan-

dise specifically identifiable as encumbered to the lending institution.

(q) Sign and street clock policies, including neon signs, automatic or mechanical signs, street clocks, while in use as such.

(r) Fine arts policies covering paintings, etchings, pictures, tapestries, art glass windows, and other bonafide works of art of rarity, historical value or artistic merit, for account of museums, galleries, universities, businesses, municipalities and other similar interests.

(s) Policies covering personal property which, when sold to the ultimate purchaser, may be covered specifically, by the owner, under inland marine policies including:

(i) Musical instrument dealers policies, covering property consisting principally of musical instruments and their accessories. Radios, televisions, record players and combinations thereof are not deemed musical instruments.

(ii) Camera dealers policies, covering property consisting principally of cameras and their accessories.

(iii) Furrier's dealers policies, covering property consisting principally of furs and fur garments.

(iv) Equipment dealers policies, covering mobile equipment consisting of binders, reapers, tractors, harvesters, harrows, tedders and other similar agricultural equipment and accessories therefor; construction equipment consisting of bulldozers, road scrapers, tractors, compressors, pneumatic tools and similar equipment and accessories therefor; but excluding motor vehicles designed for highway use.

(v) Stamp and coin dealers covering property of philatelic and numismatic nature.

(vi) Jewelers' block policies.

(vii) Fine arts dealers policies.

~~((Such))~~ The policies may include coverage of money in locked safes or vaults on the insured's premises. ~~((Such))~~ The policies also may include coverage of furniture, fixtures, tools, machinery, patterns, molds, dies and tenant insured's interest in improvements of buildings.

(t) Wool growers floaters.

(u) Domestic bulk liquids policies, covering tanks and domestic bulk liquids stored therein.

(v) Difference in conditions coverage excluding fire and extended coverage perils.

(w) Electronic data processing policies.

AMENDATORY SECTION (Amending Order R 77-3, filed 5/20/77)

WAC 284-20-050 Excluded coverages. Unless otherwise permitted, ~~((nothing in))~~ WAC 284-20-030 ~~((or))~~ and 284-20-040 ~~((shall be construed to))~~ do not permit marine or transportation policies to cover:

(1) Storage of insured's merchandise, except as ~~((hereinbefore))~~ provided in this chapter.

(2) Merchandise in course of manufacture, the property of and on the premises of the manufacturer.

(3) Furniture and fixtures and improvements and betterments to buildings.

(4) Monies and/or securities in safes, vaults, safety deposit vaults, bank or insured's premises, except while in course of transportation.

AMENDATORY SECTION (Amending Order R 86-7, filed 11/26/86)

WAC 284-20-100 Modification of form filing requirements. ~~((Pursuant to))~~ Under RCW 48.18.100(6), the commissioner rules and ~~((hereby))~~ orders that all insurance documents and forms pertaining to surplus line coverages placed in this state ~~((pursuant to))~~ under chapter 48.15 RCW are exempt from the requirements of RCW 48.18.100~~((; hereby confirming the long-standing practice in this state))~~.

AMENDATORY SECTION (Amending Order R 94-30, filed 4/10/95, effective 5/11/95)

WAC 284-20-200 Retention of policy forms. Beginning July 1, 1996, every insurer shall adopt a record retention procedure and shall maintain records sufficient to reconstruct a copy of every general liability insurance policy issued for delivery in this state to a Washington resident on or after July 1, 1996.

(1) Records may be kept in any reasonable and customary format, including any photographic or electronic format.

(2) Records shall be kept for at least twenty years following the expiration date of the policy.

(3) The insurer shall maintain the capacity to retrieve records sufficient to reconstruct any policy by name of the named insured(s) as shown on the policy declarations page and by policy number.

(4)(a) The insurer shall keep either a copy of each form of general liability insurance policy issued to a resident of this state so that it can be matched to an insured's record upon request, or a copy of the insured's policy as issued. For manuscript policies, the insurer shall retain a copy of the insured's policy as issued.

(b) For each insured, the insurer shall maintain at least the following information as the insured's record:

(i) The name of all named insureds as shown on the policy declarations page;

(ii) The address of the named insured as shown on the policy declarations page;

(iii) The name of any additional named insured(s);

(iv) The policy number;

(v) The form number(s) or a copy of the insured's policy as issued;

(vi) The limits of liability;

(vii) The annual premium;

(viii) The form number(s) or a copy of any endorsement(s); and

(ix) The policy period.

(5) Records of general liability insurance policies issued to Washington residents and that are in the possession of the insurer on the effective date of this section shall not be destroyed for twenty years after the effective date of this section ~~((; Provided however, That such))~~. The records do not need ((not)) to be catalogued or indexed to meet the standards of this section.

(6) Records of general liability insurance policies issued by unauthorized insurers shall be kept in this state; however, ~~((such))~~ the records may be maintained on behalf of an unau-

thorized insurer by the surplus line broker of record on the policy, or the broker's successor.

(7) For purposes of this section, "general liability insurance policy" means a contract of insurance that provides coverage for the legal obligations of an insured for bodily injury or property damage to others. It includes, for example, pollution liability insurance policies and comprehensive general liability insurance policies; it does not include insurance policies relating to motor vehicles, personal coverage such as homeowners, or specialty line liability coverage such as directors and officers insurance, errors and omissions insurance, or other similar policies.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-20-070 Catastrophe coverage.

WSR 98-13-099
EXPEDITED ADOPTION
SECRETARY OF STATE
[Filed June 17, 1998, 9:27 a.m.]

Title of Rule: Allowing facsimile filings with the Secretary of State's office.

Purpose: Amending WAC 434-110-060 to establish rules to accept and file facsimile transmissions of documents to be filed pursuant to Title 23, 23B, 24 or 25 RCW or chapter 18.100 RCW, effective June 11, 1998.

Other Identifying Information: To implement HB 1248, chapter 38, Laws of 1998.

Statutory Authority for Adoption: HB 1248, chapter 38, Laws of 1998, RCW 43.07.120.

Statute Being Implemented: HB 1248, chapter 38, Laws of 1998.

Summary: Amending WAC 434-110-060 to accept and file in the secretary's office facsimile transmissions.

Reasons Supporting Proposal: This amendment is necessary for the state to implement facsimile filings with the Office of the Secretary of State.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Frances Sant, 505 East Union, Olympia, WA 98504, (360) 664-0742.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Authorizes the Secretary of State to accept and file in the secretary's office facsimile transmissions of any documents authorized or required to be filed pursuant to Title 23, 23B, 24, or 25 RCW or chapter 18.100 RCW.

Declares that filings via facsimile transmissions are treated as expedited processing requests.

Proposal Changes the Following Existing Rules: This is an amendment to WAC 434-110-060.

This rule is being amended to allow and establish rules to accept and file facsimile transmissions of documents based on HB 1248, chapter 38, Laws of 1998.

It further explains processing time and handling fees.

Expedited adoption under RCW 34.05.356 is appropriate for the amendment because the proposed changes clarify existing rules and implement public facsimile filings without changing the rule's effect.

It also gives business entities in remote locations the ability to file their business papers without any travel to Olympia.

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 Hans Dettling, Corporations Division, Office of the Secretary of State, 505 East Union, P.O. Box 40234, 2nd Floor, Olympia, WA 98504-0234, phone 586-0393, FAX 664-8781, TTY 753-1485, AND RECEIVED BY July 15, 1998.

June 16, 1998

Tracy Guerin

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 94-19-004, filed 9/8/94, effective 10/9/94)

WAC 434-110-060 In-person or expedited (~~counter~~) service—Special fees. (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 5:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 4:30 p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
- (b) Name reservation review and filing;
- (c) Document certification;
- (d) Document copying or status certificates;
- (e) Status change filings; and
- (f) Trademark filings.

(2) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing corporation or trademark file. In addition, a regulatory fee for each transaction may apply.

(3) All documents submitted for filing via facsimile transmission are treated as expedited processing requests. Documents transmitted via facsimile will receive expedited forty-eight hour processing when the documents are received between 8:00 a.m. and 5:00 p.m. each business day. The fee for facsimile filings is twenty dollars for single or multiple

transactions within each new or existing corporation or trademark file. In addition, a regulatory fee for each transaction may apply.

~~((3))~~ (4) There is no expedited fee for the following transactions, unless they are submitted via facsimile transmission as set forth under subsection 3 of this section:

- (a) Registered agent or address change;
- (b) Initial reports;
- (c) License renewal and required annual report;
- (d) Amended annual reports;
- (e) Reinstatements;
- (f) In-person inspection or review of corporation files or other public documents located in the corporations division office;
- (g) Documents left at the counter for processing with mail-in documents received the same day; or
- (h) A search for nonactive corporations less than twenty years old or trademark files less than six years old.

A request for search of nonactive corporation files more than twenty years old or trademark files more than six years old should be made directly to the archives division of the office of the secretary of state.

~~((4))~~ (5)(a) If staff cannot complete the expedited service request before the end of the same day, or the second consecutive business day for facsimile filings, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

~~((5))~~ (6) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the Secretary in writing to request a waiver of emergency or penalty fees.

WSR 98-12-054**PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Adult Services Administration)

[Filed May 29, 1998, 3:55 p.m., effective July 1, 1998]

Date of Adoption: May 29, 1998.

Purpose: To comply with statutory requirements regarding special care, resident rights, and resident assessment, in adult family homes.

Citation of Existing Rules Affected by this Order: Amending WAC 388-76-590, 388-76-600, 388-76-610, and 388-76-615.

Statutory Authority for Adoption: RCW 70.128.040, 70.128.060, chapter 70.129 RCW, chapter 272, Laws of 1998.

Adopted under notice filed as WSR 98-04-032 on January 29, 1998.

Changes Other than Editing from Proposed to Adopted Version: The final rules note statutory authority for rule making regarding specialty adult family homes.

The final rules are broken into numerous rules for ease of use and clarity. New section numbers were added. All of the proposed rules were amended to make them easier to understand.

The only changes to the rules, other than editing, were to lessen or clarify requirements when possible while still maintaining legislative requirements.

WAC 388-76-561 Adult family home licensing designations, the department will not implement its proposal to designate "basic," "experienced" and "registered nurse," and their combinations, for adult family home licensing at this time, but will further study this issue.

WAC 388-76-590 Specialty adult family homes, many requirements included in the previous version were deleted from this section, with an emphasis placed on achieving outcomes for residents.

WAC 388-76-600 General resident rights, resident rights rules were amended to disclose the caregivers' primary responsibilities and availability, in addition to experience, training, and education. Several additions were made in order to update this section to reflect recent changes in statute, and to more clearly convey statutory requirements.

WAC 388-76-610 Resident assessment, several additions were made in order to update this section to reflect recent changes in statute, and to more clearly convey statutory requirements.

WAC 388-76-615 Negotiated care plan, the rules on the negotiated care plan have been amended to clearly define the differences between the negotiated care plan and the preliminary service plan.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 36, 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 36, Amended 4, Repealed 0.

Effective Date of Rule: July 1, 1998.

May 29, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

SPECIALTY ADULT FAMILY HOMES

AMENDATORY SECTION (Amending WSR 96-14-003, filed 6/19/96, effective 7/20/96)

WAC 388-76-590 Specialty adult family homes. ~~((+) Beginning September 1, 1996, an applicant or provider may apply for a designation as a specialty adult family home to serve and meet the unique needs of residents with:~~

~~(a) Developmental disabilities;~~

~~(b) Mental illnesses; or~~

~~(c) Dementia.~~

~~(2) An adult family home is not required to have a specialty designation to serve residents identified in subsection (1) above.~~

~~(3) **Developmental Disabilities.** To be designated as a home specializing in services to residents with developmental disabilities the provider or resident manager, in addition to complying with all other rules in this chapter, shall:~~

~~(a) Complete the department approved supplemental training addressing the residential support needs for persons with developmental disabilities prior to being designated as a specialty adult family home. Training shall include, at a minimum, courses in positive behavior supports addressing behavior as a means of communication, and the division of developmental disabilities residential services guidelines;~~

~~(b) Each calendar year, complete a minimum of ten hours of continuing education credits that relates to providing care to persons with developmental disabilities. Training is to be obtained through regional division of developmental disabilities core training courses as offered for community service providers;~~

~~(i) The continuing education requirement listed above in subsection (3)(b) shall also qualify for the continuing education requirement in WAC 388-76-660 (2)(c);~~

~~(ii) The continuing education requirement begins the calendar year after the year in which the provider or resident manager completes the training listed above in subsection (3)(a); and~~

~~(c) Demonstrate an ability to accommodate for communication barriers of residents and recognize how behaviors may be a means for communication.~~

~~(4) A home specializing in services to residents with developmental disabilities shall provide the degree of supervision needed by residents and specified in the residents'~~

PERMANENT

negotiated service plans, which may be less than twenty-four hour supervision.

(5) **Mental Illness.** To be designated as a home specializing in services to residents with mental illnesses, the provider or resident manager shall, in addition to complying with all other rules in this chapter:

(a) Complete the department approved specialized mental health training addressing the needs of persons who have a mental illness prior to being designated as a specialty adult family home;

(b) Each calendar year, complete a minimum of ten hours of continuing education credits that relates to mental health issues;

(i) The continuing education requirement listed above in subsection (5)(b) of this section shall also qualify for the continuing education requirement in WAC 388-76-660 (2)(e);

(ii) The continuing education requirement begins the calendar year after the year in which the provider or resident manager completes the training listed above in subsection (5)(a) of this section;

(c) Have a documented crisis response plan in place, know how to access emergency mental health services, and assure all caregivers are knowledgeable and capable of implementing the plan in a crisis; and

(d) Hire qualified caregivers and assure coverage of the home during periods of absence in order to meet residents' identified service needs, and have a documented staffing plan in place at all times.

(6) **Dementia.** To be designated as a home specializing in services to residents with dementia, the provider or resident manager shall, in addition to complying with all other rules in this chapter:

(a) Complete the department approved training course in providing care to persons with dementia prior to being designated as a specialty adult family home;

(b) Each calendar year, complete a minimum of ten hours of continuing education credits that relate to providing care to persons with dementia;

(i) The continuing education requirement listed above in subsection (6)(b) of this section shall also qualify for the continuing education requirement in WAC 388-76-660 (2)(e);

(ii) The continuing education requirement begins the calendar year after the year in which the provider or resident manager completes the training listed above in subsection (6)(a) of this section;

(c) Hire qualified caregivers and assure coverage of the home during periods of absence in order to meet residents' identified service needs, and have a documented staffing plan in place at all times; and

(d) Be designed to accommodate residents with dementia in a homelike environment. The design and environment of the home shall support residents in their activities of daily living; enhance their quality of life; reduce tension, agitation, and problem behaviors; and promote their safety.)

NEW SECTION

WAC 388-76-59000 What authority does the department have to adopt rules related to specialty homes? (1) The legislature under RCW 70.128.005 and 70.128.040

authorizes the department to adopt rules to cover the needs of different populations living in adult family homes. This includes, but is not limited to, the developmentally disabled and the elderly.

(2) The department is authorized to adopt rules to cover special care training necessary for adult family home providers or resident managers. The legislature established that, as a minimum qualification, each of the adult family home providers and resident managers must complete special care training before providing special care services. (See RCW 70.128.120.)

NEW SECTION

WAC 388-76-59010 What types of specialty adult family home designations are there? Adult family homes may be designated as a specialty home in one or more of the following three categories:

- (1) Developmental disability,
- (2) Mental illness, and/or
- (3) Dementia.

NEW SECTION

WAC 388-76-59020 What definitions apply to specialty adult family home designations? For purposes of specialty adult family home designations, the following definitions apply:

Dementia is defined as a condition documented through the assessment process required by WAC 388-76-61020.

Developmental disability means:

(1) A person who meets the eligibility criteria defined in Washington Administrative Code by the division of developmental disabilities under chapter 275-27 WAC; or

(2) A person with a severe, chronic disability which is attributable to cerebral palsy or epilepsy, or any other condition, other than mental illness, found to be closely related to mental retardation which results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation, and requires treatment or services similar to those required for these persons (i.e., autism); and

(a) The condition was manifested before the person reached age twenty-two; and

(b) The condition is likely to continue indefinitely; and

(c) The condition results in substantial functional limitations in three or more of the following areas of major life activities:

- (i) Self-care;
- (ii) Understanding and use of language;
- (iii) Learning;
- (iv) Mobility;
- (v) Self-direction; and
- (vi) Capacity for independent living.

Mental illness is defined as an Axis I or II diagnosed mental illness as outlined in volume IV of the Diagnostic and Statistical Manual of Mental Disorders (a copy is available for review through the aging and adult services administration).

PERMANENT

NEW SECTION

WAC 388-76-59050 What is required in order to obtain the specialty designation? The department will grant an adult family home a specialty designation for one or more of the three areas of specialty when:

(1) The individual provider or entity representative, and the resident manager, if there is a resident manager, have successfully completed one or more of the specialty care trainings; and

(2) The provider supplies the department with certification of successful completion of the required specialty care training or the challenge test; and

(3) The provider ensures that the specialty needs of the resident are identified and met, and that all caregivers in the home receive training regarding the specialty needs of the individual residents in the home. This training must cover the routine and changing care needs of the resident. The provider or a person knowledgeable about the specialty area may give this training.

NEW SECTION

WAC 388-76-59060 Are adult family home providers required to obtain more than one specialty designation if an individual resident has more than one specialty need?

If an individual resident has needs that meet more than one of the definitions for developmental disability, mental illness, and dementia, described in WAC 388-76-59020, the provider must determine which one of the specialty trainings will most appropriately address the overall needs of the resident. The provider must then obtain the specialty training and designation that corresponds with this determination. The provider must ensure additional training of caregivers is obtained if needed to meet all of the resident's needs. This additional training may be the specialty designation training or another training chosen by the provider.

NEW SECTION

WAC 388-76-59070 Are adult family home providers required to obtain more than one specialty designation if they serve two or more residents with different specialty needs? When adult family home providers serve two or more residents with different specialty needs they must obtain a separate specialty designation for each of the specialty needs.

For example, if one resident has needs meeting the definition for dementia, and a second resident has needs meeting the definition for mental illness, the provider must obtain a specialty designation for both dementia and mental illness. In a home where one resident has needs meeting the definition for a developmental disability, a second resident has needs meeting the definition for mental illness, and a third resident has needs meeting the definition for dementia, the provider must obtain a specialty designation for developmental disabilities, mental illness, and dementia.

NEW SECTION

WAC 388-76-59080 When will providers be required to become specialty adult family homes in order to serve persons with mental illness or dementia? Beginning October 1, 1999:

(1) An adult family home is required to become a specialty adult family home in order to admit and serve residents who have been determined to meet the definitions in this section for a mental illness or dementia; and

(2) Individual providers, entity representatives, and resident managers will have one hundred twenty days to complete specialty care training after a resident already living in the home develops mental illness or dementia as defined in this section.

NEW SECTION

WAC 388-76-59090 When will providers be required to become specialty adult family homes in order to serve persons with developmental disabilities? (1) For providers serving persons with developmental disabilities prior to July 1, 1998, the deadline for successfully completing specialty training is July 1, 1999.

(2) All other adult family home providers must obtain a specialty designation before admitting and serving a person with a developmental disability.

(2) All other adult family home providers must obtain a specialty designation before admitting and serving a person with a developmental disability.

NEW SECTION

WAC 388-76-59100 Does completion of this training substitute for any other required trainings? Successful completion of specialty training in any of the three areas of specialty will substitute for the fulfillment of two years of continuing education requirements. The substitutions count toward different years, depending on the following:

(1) When the specialty training is completed in the same year as the required fundamentals in caregiving training or the modified fundamentals of caregiving training, the specialty training will substitute for the following two calendar years training.

(2) When the specialty training is successfully completed in separate years from the required fundamentals in caregiving training or the modified fundamentals of caregiving training, the specialty training will substitute for the year in which the specialty training is successfully completed and the following calendar year.

NEW SECTION

WAC 388-76-59110 For the dementia and mental health specialties can providers take a test instead of attending the training? For the dementia and mental health specialties, individuals have one opportunity to take a "challenge" test. If they successfully pass the department's test, this substitutes for the specialty training. There is only one opportunity to successfully pass the challenge test. After failing a challenge test, the individual must attend the specialty training if he or she chooses to apply for an adult family home specialty.

NEW SECTION

WAC 388-76-59120 Are there any different training requirements for adult family homes providing services to persons with developmental disabilities? (1) Providers and resident managers serving persons with developmental disabilities may not take a challenge test for the specialty of developmental disabilities.

(2) Providers are exempt from the developmental disabilities specialty training if they are both licensed as an adult family home and hold a current contract and certification by the division of developmental disabilities as a group home.

GENERAL RESIDENT RIGHTS

AMENDATORY SECTION (Amending WSR 96-14-003, filed 6/19/96, effective 7/20/96)

WAC 388-76-600 General resident rights. ~~((1) The provider shall comply with all requirements of chapter 70.129 RCW, Long-term care resident rights. The provider shall promote and protect the resident's exercise of all rights granted under that law.~~

~~(2) The provider shall have written policies for the services provided, house policies, financial arrangements expected, and the home's policy on refunds and deposits. Prior to admitting any resident, the provider shall provide this information to the prospective resident and his or her surrogate decision maker, if applicable.~~

~~(3) The provider shall inform the resident both orally and in writing in a manner and in a language the resident understands when there are changes in:~~

~~(a) House policies governing resident conduct and responsibilities during the resident's stay in the adult family home;~~

~~(b) Services available in the adult family home;~~

~~(c) Charges for available services including charges for services not covered by the home's per diem rate or applicable public benefit programs; and~~

~~(d) Refund and deposit policies.~~

~~(4) House policies implemented by the provider shall be reasonable and may not conflict with rights granted to the resident under chapter 70.129 RCW, Long-term care resident rights or this chapter.~~

~~(5) The resident has the right to be fully informed in language that he or she can understand of his or her total health status, including, but not limited to, his or her medical condition as defined under RCW 7.70.060.~~

~~(6) The resident has the right to be fully informed in advance about recommended care and treatment and of any recommended changes in that care or treatment.~~

~~(7) The provider shall not require or ask the resident to sign any contract or agreement that waives any rights of the resident.~~

~~(8) The resident shall be free from abuse, neglect, abandonment, or financial exploitation.~~

~~(9) The provider shall comply with all applicable federal and state statutory requirements regarding nondiscrimination.~~

~~(10) The provider shall post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number, and the names, addresses, and telephone numbers of the state licensure office, the state ombudsman program, and the protection and advocacy systems.)~~

NEW SECTION

WAC 388-76-60000 What are resident rights? (1) Under RCW 70.129.005 long-term care facility residents should have the opportunity to exercise reasonable control over life decisions.

(2) Long-term care residents should have privacy and choices to engage in religious, political, civic, recreational, and other social activities to foster a sense of self-worth and enhance the quality of life. (See chapter 70.129 RCW.)

(3) Long-term care residents should receive appropriate services, be treated with courtesy, and continue to enjoy their basic civil and legal rights. (See chapter 70.129 RCW.)

NEW SECTION

WAC 388-76-60010 Why do providers need to know resident rights? The legislature determined that residents of long term care facilities are entitled to certain rights. The provider is required to comply with all requirements of chapter 70.129 RCW, Long-term care resident rights. The provider must promote and protect the resident's exercise of all rights granted under that law.

NEW SECTION

WAC 388-76-60020 Is the provider required to supply information to potential residents and current residents, or the resident's representative? RCW 70.128.007(3) states that it is the goal of the legislature to "Encourage consumers, families, providers, and the public to become active in assuring their full participation in development of adult family homes that provide high quality and cost-effective care." The information that the provider supplies to potential residents and their families assists them to make informed choices about whether the individual adult family home will be able to provide appropriate high quality services, and what the costs will be for services.

NEW SECTION

WAC 388-76-60030 When must this information be supplied? Before admitting any resident, the provider must supply information about the adult family home to the potential resident. This information must also be supplied to current residents at least every twenty four months. The information must be presented orally and in writing in a language understandable to the potential resident or resident, or the resident's representative, and acknowledged in writing.

NEW SECTION

WAC 388-76-60040 Must the information be updated and supplied again in advance of changes? The provider must inform each resident or the resident's representative in writing thirty days in advance of changes in the availability or the charges for services, items, or activities, or of changes in the adult family home's rules. Except in emergencies, thirty days' advance notice must be given prior to the change. When there are substantial and continuing changes in the resident's condition necessitating substantially greater or lesser services, items or activities, then the related charges may be changed with fourteen days' advance written notice.

NEW SECTION

WAC 388-76-60050 What information is the provider required to supply to potential residents and current residents? At a minimum, information supplied to the resident prior to admission must include:

(1) House rules and policies, including:

(a) A description of services, items, and activities regularly available in the home or arranged for by the home;

(b) House rules and policies governing resident conduct and responsibilities;

(c) A statement describing charges for all services, items and activities provided in the home. This must include a description of added charges for items, services or activities that are not covered by the home's per diem rate or applicable public benefit programs;

(d) The schedule for payment of fees expected of residents by the provider;

(e) The home's policy on refunds and deposits, which must be consistent with RCW 70.129.150;

(f) House policies governing resident conduct and responsibilities during the resident's stay in the adult family home;

(g) A statement indicating whether the provider will accept Medicaid or other public funds as a source of payment for services.

(2) Information about caregivers, including:

(a) The following information describing the licensed provider and the resident manager if there is a resident manager:

(i) Availability in the home, including a general statement about how often he or she is in the home;

(ii) Education and training relevant to resident caregiving;

(iii) Caregiving experience;

(iv) His or her primary responsibilities, including whether he or she makes daily general care management decisions;

(v) How to contact the provider or resident manager when he or she is not in the home.

(b) The following information describing a licensed practical nurse or registered nurse, if there is one who is in any way involved in the care of residents:

(i) Whom the LPN or RN is employed by, including the adult family home or another agency;

(ii) The specific routine hours that the LPN or RN is on site, if they are on-site routinely;

(iii) His or her primary responsibilities, including whether he or she makes daily general care management decisions;

(iv) The nonroutine times when the LPN or RN will be available, such as on-call; and

(vi) A description of what the provider will do to make available the services of an RN or LPN in the event of an emergency or a change in the resident's condition.

(3) A statement indicating whether the provider or staff are qualified or willing to become qualified to perform nurse delegation as allowed under state law;

(4) Types of care that can and cannot be offered:

(a) A description of what the adult family home will try to do to make adjustments to accommodate a resident's foreseeable or likely increasing care needs for the kinds of residents served by the home;

(b) A list of the types of predictable resident needs and conditions for which the adult family home cannot or will not provide care.

NEW SECTION

WAC 388-76-60060 Do residents have rights that are not listed here? Residents have many rights that are listed in detail in RCW 70.129. The provider must promote and protect all of these rights, in addition to those listed in this section.

NEW SECTION

WAC 388-76-60070 What are some of the other resident rights that must be considered? (1) House policies implemented by the provider are required to be reasonable and must not conflict with rights granted to the resident under chapter 70.129 RCW, Long-term care resident rights or this chapter.

(2) The resident has the right to be fully informed in a language that he or she can understand of his or her total health status, including, but not limited to, his or her medical condition. This right is described in detail in chapter 7.70 RCW. The provider must not interfere with the resident's access to information from health care providers.

(3) The resident has the right to be fully informed in advance about recommended care and treatment and of any recommended changes in that care or treatment.

(4) The provider must not require or ask the resident or the resident's representative to sign any contract or agreement that waives any rights of the resident or waives potential liability for losses of personal property or injury.

(5) The resident shall be free from abuse, neglect, abandonment, or financial exploitation.

(6) The provider must comply with all applicable federal and state statutory requirements regarding nondiscrimination.

(7) The provider must post in a place and manner clearly visible and readable to residents and visitors the department's toll-free complaint telephone number, and the names, addresses, and telephone numbers of the state licensure

office, the state ombudsman program, and the protection and advocacy systems. This posting shall include at a minimum all of the information listed on the NOTICE supplied by the department containing the toll free complaint hot line and the toll free ombudsman number, and a brief description of ombudsman services.

(8) The provider must post in a place and manner clearly visible and readable to residents and visitors a statement that copies of the results of the most recent licensing inspection, and, if there has been a complaint investigation, the results of the investigation, are available to be read in the adult family home.

(9) The provider is required to maintain a safe, clean, comfortable, and home-like environment, that supports residents in their activities of daily living and promotes their quality of life.

RESIDENT ASSESSMENT

AMENDATORY SECTION (Amending WSR 96-14-003, filed 6/19/96, effective 7/20/96)

WAC 388-76-610 Resident assessment. ~~((1) The provider shall not admit a resident unless:~~

~~(a) The adult family home can meet the resident's assessed needs;~~

~~(b) The resident's admission will not adversely affect the provider's ability to meet the needs of other residents in the home; and~~

~~(c) All residents and household members can be safely evacuated in an emergency.~~

~~(2) For each resident, the provider shall have a current written assessment which describes the resident's:~~

~~(a) Medical status;~~

~~(b) Strengths and needs;~~

~~(c) Activities preferences; and~~

~~(d) Preferences and choices regarding issues important to the resident (e.g., food, daily routine).~~

~~(3) The provider shall:~~

~~(a) Obtain sufficient assessment information to develop a negotiated service plan within fourteen days of the resident's admission; and~~

~~(b) Complete the assessment within thirty days of the resident's admission.~~

~~(4) The provider shall ensure that the resident's assessment is reviewed and updated for accuracy:~~

~~(a) As needed; and~~

~~(b) At the resident's request.)~~

NEW SECTION

WAC 388-76-61000 Is an assessment needed before a person can be admitted to an adult family home? Before a person can be admitted, the provider must obtain a written assessment that contains current information. The contents of this assessment must at a minimum include the list in WAC 388-76-61020.

NEW SECTION

WAC 388-76-61010 Under what circumstances can a provider admit or continue services for a person? A provider must be knowledgeable about the needs of a resident, based on the needs documented in the resident assessment. The provider may only admit or continue services for a person when:

(1) The adult family home can meet the person's assessed needs with current staff or through reasonable accommodations.

(2) The person's admission will not adversely affect the provider's ability to meet the needs of other residents in the home or endanger the safety of other residents; and

(3) All residents and household members can be safely evacuated in an emergency.

NEW SECTION

WAC 388-76-61020 What must be included in the resident assessment? The current written assessment must contain specific information regarding the resident applicant. If, despite the best efforts of the person conducting the assessment, an element of the required assessment information is not available, the effort to obtain the information must be documented with the assessment. At a minimum, the assessment must include:

(1) Recent medical history;

(2) Current prescribed medications, and contraindicated medications (including, but not limited to, medications that are known to cause adverse reactions or allergies);

(3) Medical diagnosis by a licensed medical professional;

(4) Significant known behaviors or symptoms that may cause concern or require special care;

(5) Evaluation of cognitive status in order to determine the individual's current level of functioning. This must include an evaluation of disorientation, memory impairment, and impaired judgment;

(6) History of depression and anxiety;

(7) History of mental illness, if applicable;

(8) Social, physical, and emotional strengths and needs;

(9) Functional abilities in relationship to activities of daily living including: Eating, toileting, ambulating, transferring, positioning, specialized body care, personal hygiene, dressing, bathing, and management of own medication;

(10) Preferences and choices regarding daily life that are important to the person (including, but not limited to, such preferences as the type of food that the person enjoys, what time he or she likes to eat, and when he or she likes to sleep);

(11) Preferences for activities; and

(12) A preliminary service plan.

NEW SECTION

WAC 388-76-61030 How does the preliminary service plan fit within the resident assessment? The preliminary service plan is part of the resident assessment, and is completed by the person conducting the assessment. The assessment and preliminary service plan create the founda-

tion for the negotiated care plan, which is described in WAC 388-76-61500. The preliminary service plan describes needs for services and an initial plan for how to meet the needs that are identified at the time of the assessment. This plan should be developed by the provider and made more specific when the negotiated care plan is developed and reviewed. At a minimum, the preliminary service plan must contain:

- (1) A complete description of the client's specific problems and needs;
- (2) A description of needs for which the client chooses not to accept services;
- (3) Identification of client goals and preferences; and
- (4) A description of how the client's needs can be met.

NEW SECTION

WAC 388-76-61040 Is the use of an approved form required for the assessment? Beginning July 1, 1999 the assessment must be completed on a form that is approved by the department.

NEW SECTION

WAC 388-76-61050 Who can do the assessment? (1) Effective July 1, 1999, a qualified assessor is a person who:

- (a) Has a master's degree in social services, human services, behavioral sciences or an allied field and two years social service experience working with adults who have functional or cognitive disabilities; or
- (b) A bachelor's degree in social services, human services, behavioral sciences, or an allied field and three years social service experience working with adults who have functional or cognitive disabilities; or
- (c) Has a valid Washington state license to practice as a registered nurse and three years of clinical nursing experience; or
- (d) Is a physician with a valid Washington state license to practice medicine. This includes licensed osteopathic physicians.
- (2) For individuals who will receive services paid for fully or partially by the department, the assessment must be completed by the authorized department case manager.

NEW SECTION

WAC 388-76-61060 In emergency situations, can a provider admit a resident without an assessment? In circumstances of genuine emergency, the provider may admit an individual without the required assessment and service plan. It is expected these situations will occur very infrequently. These circumstances are:

- (1) For individuals who use private funds to pay for care, the provider must determine that the individual's life, health or safety are at serious risk due to circumstances in the individual's current place of residence, or, if due to such circumstances, harm to an individual has occurred. Under these circumstances the required assessment must be completed within five working days of the resident's admission.
- (2) For individuals whose care is paid for fully or partially by the department, the provider must obtain the

approval of the authorized department case manager prior to admission. If this approval is obtained verbally, the provider must document the time, the date, and the name of the case manager.

NEW SECTION

WAC 388-76-61070 Does the assessment have to be updated? The provider must ensure that the assessment is reviewed and updated to document the resident's ongoing needs and preferences according to the following criteria:

- (1) At least every twelve months;
- (2) When there is a significant change in the resident's physical or mental condition; and
- (3) At the resident's request or at the request of the resident's legal representative.

NEW SECTION

WAC 388-76-61080 Who is qualified to update the assessment? Effective July 1, 1999, persons meeting the qualifications of an assessor are also qualified to update the assessment for an individual who will use private funds to pay for the adult family home.

NEGOTIATED CARE PLAN

AMENDATORY SECTION (Amending WSR 96-14-003, filed 6/19/96, effective 7/20/96)

WAC 388-76-615 Negotiated ((service)) care plan. ~~((1) Within fourteen days of the resident's admission the provider shall develop a negotiated service plan with the resident which identifies:~~

- ~~(a) The services to be provided;~~
- ~~(b) Who will provide the services; and~~
- ~~(c) When and how the services will be provided.~~
- ~~(2) The provider shall ensure that the negotiated service plan is:~~
 - ~~(a) Designed to meet resident needs and preferences currently identified in the assessment; and~~
 - ~~(b) Agreed to and signed by the resident or the resident's surrogate decision maker, if applicable.~~
 - ~~(3) The negotiated service plan shall be completed with input from:~~
 - ~~(a) The resident to the greatest extent practicable;~~
 - ~~(b) The resident's family, if approved by the resident;~~
 - ~~(c) The resident's surrogate decision maker, if applicable;~~
 - ~~(d) Appropriate professionals;~~
 - ~~(e) Other individuals the resident wants included; and~~
 - ~~(f) The case manager, if the resident is receiving services paid for fully or partially by the department.~~
 - ~~(4) The provider shall ensure that the resident's negotiated service plan is reviewed and revised:~~
 - ~~(a) As needed;~~
 - ~~(b) At the resident's request; and~~
 - ~~(c) If changes or additions to assessment information result in significant changes to the resident's identified needs or preferences and choices.)~~

NEW SECTION**WAC 388-76-61500 What is a negotiated care plan?**

A negotiated care plan is a written plan developed between the provider and the resident, or the resident's representative, if the resident has a representative. The provider is responsible to make sure that it is written and signed. This plan identifies:

- (1) The care and services to be provided;
- (2) Who will provide the care and services;
- (3) When and how the care and services will be provided;
- (4) The resident's activities preferences and how those preferences will be accommodated; and
- (5) Other preferences and choices regarding issues important to the resident (including, but not limited to, food, daily routine, grooming), and what efforts will be made to accommodate those preferences and choices;
- (6) If needed, a plan to follow in case of a foreseeable crisis due to a resident's assessed need, such as, but not limited to, how to access emergency mental health services;
- (7) If needed, a plan to reduce tension, agitation and problem behaviors;
- (8) If needed, a plan to respond to residents' special needs, including, but not limited to, the availability of staff when resident needs change;
- (9) If needed, the identification of any communication barriers of the resident, including, but not limited to, how behaviors and nonverbal gestures may be used as a means for communication.

NEW SECTION

WAC 388-76-61510 When must the negotiated care plan be developed? The plan must be developed within fourteen days of the resident's admission.

NEW SECTION

WAC 388-76-61520 How does the negotiated care plan fit in with the assessment and preliminary service plan? The assessment and preliminary service plan, which are done by the person conducting the assessment, create the foundation for the negotiated care plan. The preliminary service plan describes needs for services and an initial plan for how to meet the needs. This plan is limited to needs that are identified at the time of the assessment. It is expected that, over time, the provider will learn more about the resident's needs and how to make sure they are met. The provider is responsible to work with the preliminary service plan and update it and make it more specific. As it is updated and made more specific, and as the resident or the resident's representative becomes involved in its development, it becomes the negotiated care plan. The negotiated care plan provides specific details about how the resident's needs and preferences will be addressed within the individual adult family home.

The provider must implement the negotiated care plan after it has been agreed to and signed by the resident or the resident's representative, if the resident has a representative.

NEW SECTION

WAC 388-76-61530 Who must be involved in the development of the negotiated care plan? The provider must involve the following people in developing the plan:

- (1) The resident, to the greatest extent he or she is able to participate,
- (2) The resident's family, if approved by the resident;
- (3) The resident's representative, if the resident has a representative;
- (4) Professionals involved in the care of the resident;
- (5) Other individuals the resident wants included; and
- (6) The authorized department case manager, if the resident is receiving services paid for fully or partially by the department.

NEW SECTION

WAC 388-76-61540 Who must sign the negotiated care plan? The provider must ensure that the negotiated care plan is agreed to and signed by the resident, or the resident's representative, if the resident has a representative.

NEW SECTION

WAC 388-76-61550 How often must the negotiated care plan be reviewed and revised? The provider must ensure that the plan is reviewed and revised according to the following schedule:

- (1) At least every twelve months;
- (2) When there is a significant change in the resident's physical or mental condition;
- (3) At the resident's request; and
- (4) If changes or additions to assessment information result in significant changes to the resident's identified needs or preferences and choices.

NEW SECTION

WAC 388-76-61560 When does the department's case manager get a copy of the negotiated care plan? The copy of the plan must be given to the authorized department case manager each time it is completed or updated, and after it has been signed by the resident, if the resident's services are being paid fully or partially by the department.

NEW SECTION

WAC 388-76-61570 How are payment rate changes authorized for residents receiving services paid for fully or partially by the department? If there is improvement or decline causing significant changes in a resident's identified needs, and the resident is receiving services paid for fully or partially by the department, the provider must notify the authorized department case manager. No payment rate change will be approved without an assessment and authorization by the department.

WSR 98-13-007
PERMANENT RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES

[Filed June 4, 1998, 3:12 p.m.]

Date of Adoption: June 4, 1998.

Purpose: To bring the amount charged to the public by the office in line with actual costs for copying records.

Citation of Existing Rules Affected by this Order: Amending WAC 326-07-100 Fees.

Statutory Authority for Adoption: RCW 39.19.030(7).

Adopted under notice filed as WSR 97-24-116 on December 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 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.

June 4, 1998

James A. Medina

Director

AMENDATORY SECTION (Amending WSR 92-24-107, filed 12/2/92, effective 1/2/93)

WAC 326-07-100 Fees. No fee shall be charged for the inspection of public records. The office shall charge a fee of ~~((twenty-five))~~ fifteen cents per page for providing copies of public records. This charge is the amount necessary to reimburse the office for its actual costs incident to such copying.

WSR 98-13-008
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed June 4, 1998, 4:05 p.m.]

Date of Adoption: June 4, 1998.

Purpose: To delete hypericum perforatum (common St. Johnswort) from WAC 16-752-610.

Citation of Existing Rules Affected by this Order: Amending WAC 16-752-610.

Statutory Authority for Adoption: Chapters 17.10 and 17.24 RCW.

Adopted under notice filed as WSR 98-08-109 on April 1, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 4, 1998

James M. Jesernig

Director

AMENDATORY SECTION (Amending WSR 92-07-025, filed 3/10/92, effective 4/10/92)

WAC 16-752-610 Noxious weed seed and plant quarantine—Regulated articles. All plants, plant parts, and seeds in packets, blends, and "wildflower mixes" of the following listed species are regulated under the terms of this noxious weed quarantine:

Scientific Name	Common Names
Amorpha fruticosa	indigobush, lead plant
Anchusa officinalis	common bugloss, alkanet, anchusa
Anthriscus sylvestris	wild chervil
Carduus acanthoides	plumeless thistle
Carduus nutans	musk thistle, nodding thistle
Centaurea diffusa	diffuse knapweed
Centaurea jacea	brown knapweed, rayed knapweed, brown centauray horse-knobs, hardheads
Centaurea maculosa	spotted knapweed
Centaurea macrocephala	bighead knapweed
Centaurea nigra	black knapweed
Centaurea nigrescens	Vochin knapweed
Chaenorrhinum minus	dwarf snapdragon
Chrysanthemum leucanthemum	oxeye daisy, white daisy, whiteweed, field daisy, marguerite, poorland flower
Cytisus scoparius	Scotch broom
Daucus carota	wild carrot, Queen Anne's lace
Echium vulgare	blueweed, blue thistle, blue devil, viper's bugloss, snake flower
Heracleum mantegazzianum	giant hogweed, giant cow parsnip
Hibiscus trionum	Venice mallow, flower-of-an-hour, bladder ketmia, modesty, shoo-fly
Hieracium aurantiacum	orange hawkweed, orange paintbrush, red daisy flameweed, devil's weed, grim-the-collier
Hieracium pratense	yellow hawkweed, yellow paintbrush, devil's paintbrush, yellow devil, field hawkweed, king devil

PERMANENT

Scientific Name	Common Names
(Hypericum perforatum)	common St. Johnswort, goatweed, St. Johnswort)
Isatis tinctoria	dyers' woad
Kochia scoparia	kochia, summer-cyprus, burning-bush, fireball, Mexican fireweed
Linaria genistifolia spp.dal-matica	Dalmatian toadflax
Lepidium latifolium	perennial pepperweed
Mirabilis nyctaginea	wild four o'clock, umbrella-wort
Onopordum acanthium	Scotch thistle
Proboscidea louisianica	unicorn-plant
Salvia aethiopsis	Mediterranean sage
Silybum marianum	milk thistle
Torilis arvensis	hedgearsley
Ulex europaeus	gorse, furze
Zygophyllum fabago	Syrian bean-caper

**WSR 98-13-018
PERMANENT RULES
LOTTERY COMMISSION**

[Filed June 5, 1998, 3:10 p.m.]

Date of Adoption: May 15, 1998.

Purpose: Repeals sections of chapter 315-11A WAC which govern instant scratch games which are now closed and beyond the one hundred eighty-day limit for redeeming tickets.

Citation of Existing Rules Affected by this Order: Repealing WAC 315-11A-137 to 315-11A-155; and WAC 315-11A-157 to 315-11A-164. WAC 315-11A-137 Instant Game Number 137 ("Walla Walla Walla"), 315-11A-138 Instant Game Number 138 ("\$2 Bank Roll"), 315-11A-139 Instant Game Number 139 ("\$100 Grands"), 315-11A-140 Instant Game Number 140 ("Joker's Wild"), 315-11A-141 Instant Game Number 141 ("Go Bananas"), 315-11A-142 Instant Game Number 142 ("Lucky Queen"), 315-11A-143 Instant Game Number 143 ("High Stakes"), 315-11A-144 Instant Game Number 144 ("Instant Pay"), 315-11A-145 Instant Game Number 145 ("Monte Carlo"), 315-11A-146 Instant Game Number 146 ("Holiday Bonus"), 315-11A-147 Instant Game Number 147 ("Winning Pairs"), 315-11A-148 Instant Game Number 148 ("\$2 Bonus Bingo"), 315-11A-149 Instant Game Number 149 ("Lucky 7s"), 315-11A-150 Instant Game Number 150 ("Cold Cash"), 315-11A-151 Instant Game Number 151 ("Washington Green"), 315-11A-152 Instant Game Number 152 ("\$2 High Roller"), 315-11A-153 Instant Game Number 153 ("Bingo"), 315-11A-154 Instant Game Number 154 ("Gold Rush"), 315-11A-155 Instant Game Number 155 ("Loose Change"), 315-11A-157 Instant Game Number 157 ("Summer Gold"), 315-11A-158 Instant Game Number 158 ("Five Card Stud"), 315-11A-159 Instant Game Number 159 ("Fat Cat"), 315-11A-160 Instant Game Number 160 ("My! Oh! My!"), 315-11A-161 Instant Game Number 161 ("\$2 Baseball Scoreboard"), 315-11A-162 Instant Game Number 162 ("\$2 Double Up"), 315-11A-163 Instant Game Number 163 ("Apple Bucks"), and 315-11A-164 Instant Game Number 164 ("Blackjack"). The

commission did not repeal WAC 315-11A-156 which governs a Win For Life game, because winner issues may still arise concerning pay-out on this game.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under preproposal statement of inquiry filed as WSR 98-07-090 on March 18, 1998.

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 27.

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.

June 5, 1998
Mary Jane Ferguson
Rules Coordinator

**WSR 98-13-029
PERMANENT RULES
DEPARTMENT OF AGRICULTURE**

[Filed June 8, 1998, 10:28 a.m.]

Date of Adoption: June 8, 1998.

Purpose: To repeal labeling rules that have become outdated and redundant because of new federal regulations and standards that cover the same products.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-129-010, 16-129-020, 16-129-025, and 16-129-030.

Statutory Authority for Adoption: Chapters 69.04 and 15.38 RCW.

Adopted under preproposal statement of inquiry filed as WSR 98-08-020 on March 19, 1998.

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 4.

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 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 4.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

PERMANENT

ing: 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.

June 8, 1998
Jim Jesernig
Director

WSR 98-13-030
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed June 8, 1998, 10:30 a.m.]

Date of Adoption: June 8, 1998.

Purpose: To repeal WAC 16-600-020 that establishes Washington state honey seals. This section has been in rule since 1950, but has never been implemented or used.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-600-020.

Statutory Authority for Adoption: RCW 69.28.020.

Adopted under preproposal statement of inquiry filed as WSR 98-08-019 on March 19, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 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.

June 8, 1998
Jim Jesernig
Director

WSR 98-13-033
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed June 8, 1998, 3:48 p.m.]

Date of Adoption: April 18, 1998.

Purpose: To repeal WAC 16-333-200 through 16-333-245 because other Washington State Department of Agriculture rules govern the same activity as these rules, making them redundant.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-333-200, 16-333-205, 16-333-210, 16-333-215, 16-333-220, 16-333-225, 16-333-230, 16-333-235, 16-333-240, and 16-333-245.

Statutory Authority for Adoption: Chapter 15.14 RCW. Adopted under preproposal statement of inquiry filed as WSR 98-07-108 on March 18, 1998.

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 10.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 10.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 10.

Effective Date of Rule: Thirty-one days after filing.

June 8, 1998
James M. Jesernig
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-333-200	Definitions.
WAC 16-333-205	Approval of stock.
WAC 16-333-210	Seed stock eligible for certification.
WAC 16-333-215	Planting requirements.
WAC 16-333-220	Conditions under which certification may be refused.
WAC 16-333-225	Responsibilities of the grower.
WAC 16-333-230	Storage requirements for certified seed.
WAC 16-333-235	Movement of seed out-of-state—Permit requirement.
WAC 16-333-240	Fees.
WAC 16-333-245	Certifying agency issuance of certificate.

WSR 98-13-034
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed June 8, 1998, 4:50 p.m.]

Date of Adoption: June 3, 1998.

PERMANENT

Purpose: This rule amends WAC 246-221-117, which in part sets the frequency at which a physician must determine that an individual is medically fit to use respiratory protection equipment in the nuclear industry. This rule allows the physician to determine the frequency of retesting consistent with federal requirements for the nuclear industry.

Citation of Existing Rules Affected by this Order: Amending WAC 246-221-117.

Statutory Authority for Adoption: RCW 70.98.050.

Adopted under notice filed as WSR 98-09-110 on April 22, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 4, 1998

Kristine Van Gorkom
Deputy Secretary

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-117 Use of individual respiratory protection equipment. (1) If the licensee uses respiratory protection equipment to limit intakes pursuant to WAC 246-221-113:

(a) The licensee shall use only respiratory protection equipment that is:

(i) Tested and certified or had certification extended by the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration; or

(ii) Approved by the department on the basis of the licensee's submittal of an application for authorized use of other respiratory protection equipment, including a demonstration by testing, or a demonstration on the basis of reliable test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use.

(b) The licensee shall implement and maintain a respiratory protection program that includes:

(i) Air sampling sufficient to identify the potential hazard, permit proper equipment selection, and estimate exposures; and

(ii) Surveys and bioassays, as appropriate, to evaluate actual intakes; and

(iii) Testing of respirators for operability immediately prior to each use; and

(iv) Written procedures regarding selection, fitting, issuance, maintenance, cleaning, repair, and testing of respirators, including testing for operability immediately prior to each use; supervision and training of personnel; monitoring, including air sampling and bioassays; and recordkeeping; and

(v) Determination by a physician prior to initial fitting of respirators, and ~~((at least))~~ either every twelve months thereafter or periodically at a frequency determined by a physician, that the individual user is ~~((physically able))~~ medically fit to use the respiratory protection equipment.

(c) The licensee shall issue a written policy statement on respirator usage covering:

(i) The use of process or other engineering controls, instead of respirators; and

(ii) The routine, nonroutine, and emergency use of respirators; and

(iii) The length of periods of respirator use and relief from respirator use.

(d) The licensee shall advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other conditions that might require such relief.

(e) The licensee shall use equipment within the equipment manufacturer's expressed limitations for type and mode of use and shall provide proper visual, communication, and other special capabilities, such as adequate skin protection, when needed.

(2) When estimating exposure of individuals to airborne radioactive materials, the licensee may make allowance for respiratory protection equipment used to limit intakes pursuant to WAC 246-221-113, provided that the following conditions, in addition to those in subsection (1) of this section, are satisfied:

(a) The licensee selects respiratory protection equipment that provides a protection factor, specified in WAC 246-221-285, greater than the multiple by which peak concentrations of airborne radioactive materials in the working area are expected to exceed the values specified in WAC 246-221-290, Table I, Column 3. However, if the selection of respiratory protection equipment with a protection factor greater than the peak concentration is inconsistent with the goal specified in WAC 246-221-113 of keeping the total effective dose equivalent ALARA, the licensee may select respiratory protection equipment with a lower protection factor provided that such a selection would result in a total effective dose equivalent that is ALARA. The concentration of radioactive material in the air that is inhaled when respirators are worn may be initially estimated by dividing the average concentration in air, during each period of uninterrupted use, by the protection factor. If the exposure is later found to be greater than initially estimated, the corrected value shall be used; if the exposure is later found to be less than initially estimated, the corrected value may be used.

(b) The licensee shall obtain authorization from the department before assigning respiratory protection factors in excess of those specified in WAC 246-221-285. The depart-

ment may authorize a licensee to use higher protection factors on receipt of an application that:

(i) Describes the situation for which a need exists for higher protection factors, and

(ii) Demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

(3) In an emergency, the licensee shall use as emergency equipment only respiratory protection equipment that has been specifically certified or had certification extended for emergency use by the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration.

(4) Unless already authorized by license condition, the licensee shall notify the department in writing at least thirty days before the date that respiratory protection equipment is first used pursuant to either subsection (1) or (2) of this section.

WSR 98-13-035
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed June 8, 1998, 4:54 p.m.]

Date of Adoption: June 1, 1998.

Purpose: Increase licensing fees for hospitals from \$47.30 per bed to \$61.50 per bed, as approved in the supplemental budget by the 1998 legislature.

Citation of Existing Rules Affected by this Order: Amending WAC 246-318-990.

Statutory Authority for Adoption: RCW 70.41.100, 43.20B.020.

Adopted under notice filed as WSR 98-09-109 on April 22, 1998.

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.

June 4, 1998

Kristine Van Gorkom
Deputy Secretary

AMENDATORY SECTION (Amending WSR 95-12-097, filed 6/7/95, effective 7/8/95)

WAC 246-318-990 Fees. Hospitals licensed under chapter 70.41 RCW shall:

(1) Submit an annual license fee of (~~forty-seven~~) sixty-one dollars and (~~thirty~~) fifty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include neonatal intensive care bassinet spaces;

(4) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The hospital currently possesses the required movable equipment and certifies this fact to the department;

(5) Exclude all normal infant bassinets;

(6) Limit licensed bed spaces as required under chapter 70.38 RCW;

(7) Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the hospital licensed bed capacity; and

(8) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

WSR 98-13-036
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed June 8, 1998, 4:56 p.m.]

Date of Adoption: June 1, 1998.

Purpose: Increase licensing fees for home health, hospice and home care agencies as approved in the supplemental budget by the 1998 legislature.

Citation of Existing Rules Affected by this Order: Amending WAC 246-327-990, 246-331-990, and 246-336-990.

Statutory Authority for Adoption: RCW 70.127.090.

Other Authority: RCW 43.02B.020 [43.20B.020], 43.70.110, 43.70.250.

Adopted under notice filed as WSR 98-09-112 on April 22, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 4, 1998

Kristine Van Gorkom
Deputy Secretary

AMENDATORY SECTION (Amending WSR 97-15-096, filed 7/21/97, effective 8/21/97)

WAC 246-327-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, as follows:

(i) A base fee of (~~four hundred twelve~~) five hundred two dollars and sixty cents; and

(ii) For agencies with:

(A) Fifteen or less FTEs, (~~eight hundred fifty nine~~) one thousand forty-eight dollars;

(B) Sixteen through fifty FTEs, one thousand (~~thirty four~~) two hundred sixty-one dollars and fifty cents; or

(C) Fifty-one or more FTEs, one thousand (~~four hundred eleven~~) seven hundred twenty-one dollars and forty cents;

(b) An initial twelve-month license fee for new firms, businesses not currently licensed to provide home health care in Washington state, or currently licensed businesses which have had statement of charges filed against them as follows:

(i) A base fee of two hundred (~~six~~) fifty-one dollars and thirty cents; and

(ii) For agencies with:

(A) Fifteen or less FTEs, (~~four hundred twenty nine~~) five hundred twenty-three dollars and forty cents;

(B) Sixteen through fifty FTEs, (~~five hundred sixteen~~) six hundred twenty-nine dollars and fifty cents;

(C) Fifty-one or more FTEs, (~~seven hundred five~~) eight hundred sixty dollars and ten cents; and

(c) A transfer of ownership fee of (~~fifty~~) sixty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional hospice and/or home care license.

(3) The department may charge and collect from a licensee a fee of two hundred (~~six~~) fifty dollars for:

(a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies;

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day, not to exceed cost of the base

fee, from the renewal date until the date of mailing the fee, as evidenced by the postmark.

AMENDATORY SECTION (Amending WSR 97-15-096, filed 7/21/97, effective 8/21/97)

WAC 246-331-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, as follows:

(i) A base fee of (~~four hundred twelve~~) five hundred two dollars and sixty cents; and

(ii) For agencies with:

(A) Fifteen or less FTEs, two hundred (~~eighteen~~) sixty-six dollars;

(B) Sixteen through fifty FTEs, (~~five hundred twenty five~~) six hundred forty dollars and fifty cents; or

(C) Fifty-one or more FTEs, one thousand (~~eighty nine~~) three hundred twenty-eight dollars and sixty cents;

(b) An initial twelve-month license fee for new firms, businesses not currently licensed to provide hospice care in Washington state, or currently licensed businesses which have had statement of charges filed against them as follows:

(i) A base fee of two hundred (~~six~~) fifty-one dollars and thirty cents; and

(ii) For agencies with:

(A) Fifteen or less FTEs, one hundred (~~nine~~) thirty-three dollars;

(B) Sixteen through fifty FTEs, (~~two hundred sixty two~~) three hundred nineteen dollars and sixty cents;

(C) Fifty-one or more FTEs, (~~five hundred forty three~~) six hundred sixty-two dollars and forty cents; and

(c) A transfer of ownership fee of (~~fifty~~) sixty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional home health and/or home care license.

(3) The department may charge and collect from a licensee a fee of two hundred (~~six~~) fifty dollars for:

(a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies;

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day, not to exceed the cost of the base fee, from the renewal date until the date of mailing the fee, as evidenced by the postmark.

AMENDATORY SECTION (Amending WSR 97-15-096, filed 7/21/97, effective 8/21/97)

WAC 246-336-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, as follows:

(i) A base fee of (~~two hundred seventy-four~~) three hundred thirty-four dollars and thirty cents; and

(ii) For agencies with:

(A) Fifteen or less FTEs, one hundred (~~forty-five~~) seventy-six dollars and eighty cents;

(B) Sixteen through fifty FTEs, (~~one hundred seventy-five~~) two hundred thirteen dollars and forty cents; or

(C) Fifty-one or more FTEs, (~~two hundred fifty-one~~) three hundred six dollars and twenty cents;

(b) An initial twelve-month license fee for new firms, businesses not currently licensed to provide home care in Washington state, or currently licensed businesses which have had statement of charges filed against them as follows:

(i) A base fee of two hundred (~~six~~) fifty-one dollars and thirty cents; and

(ii) For agencies with:

(A) Fifteen or less FTEs, one hundred (~~nine~~) thirty-three dollars;

(B) Sixteen through fifty FTEs, (~~one hundred thirty-two~~) one hundred sixty-one dollars;

(C) Fifty-one or more FTEs, (~~one hundred ninety-two~~) two hundred thirty-four dollars and twenty cents; and

(c) A transfer of ownership fee of (~~fifty~~) sixty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional home health and/or hospice license.

(3) The department may charge and collect from a licensee a fee of (~~one hundred ninety-six~~) two hundred fifty dollars for:

(a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies; and

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day, not to exceed the cost of the base fee, from the renewal date until the date of mailing the fee, as evidenced by the postmark.

WSR 98-13-037
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed June 8, 1998, 5:02 p.m.]

Date of Adoption: June 3, 1998.

Purpose: This rule updates the requirements for the medical uses of radioactive material, adds provisions for nuclear pharmacy, and sets release criteria associated with

patients administered radioactive material in order to be consistent with the federal rules governing the same areas.

Citation of Existing Rules Affected by this Order: Amending WAC 246-220-010, 246-221-001, 246-221-060, 246-221-130, 246-221-250, 246-222-080, 246-232-010, 246-232-040, 246-233-010, 246-233-020, 246-235-020, 246-235-080, 246-235-090, 246-235-100, 246-235-120, 246-239-010, 246-239-022, 246-239-025, 246-239-040, 246-239-055, 246-240-010, 246-240-015, 246-240-020, 246-240-025, 246-240-050, 246-244-240, and 246-247-010.

Statutory Authority for Adoption: RCW 70.98.050.

Adopted under notice filed as WSR 98-09-108 on April 22, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 2, Amended 15, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 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.

June 4, 1998

Kristine Van Gorkom

Deputy Secretary

AMENDATORY SECTION (Amending WSR 95-01-108, filed 12/21/94, effective 1/21/95)

WAC 246-220-010 Definitions. As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain part will be found in that part.

(1) "A₁" means the maximum activity of special form radioactive material permitted to be transported in a Type A package. "A₂" means the maximum activity of normal form radioactive material permitted to be transported in a Type A package. A₁ and A₂ values are assigned to individual radionuclides and are tabulated in WAC 246-220-110, Appendix A. Methods of calculating values are also given.

(2) "Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

(3) "Accelerator produced material" means any material made radioactive by exposing it in a particle accelerator.

(4) "Act" means Nuclear energy and radiation, chapter 70.98 RCW.

(5) "Activity" means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the becquerel (Bq) and the curie (Ci).

(6) "Adult" means an individual eighteen or more years of age.

(7) "Agreement state" means any state with which the United States Nuclear Regulatory Commission has entered into an effective agreement under section 274 b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689).

(8) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of particulates, dusts, fumes, mists, vapors, or gases.

(9) "Airborne radioactivity area" means a room, enclosure, or operating area in which airborne radioactive material exists in concentrations (a) in excess of the derived air concentration (DAC) specified in WAC 246-221-290, Appendix A, or (b) to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or twelve DAC-hours.

(10) "Alert" means events may occur, are in progress, or have occurred that could lead to a release of radioactive material but that the release is not expected to require a response by offsite response organizations to protect persons offsite.

(11) "Annual limit on intake" (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) or a committed dose equivalent of 0.5 Sv (50 rem) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in WAC 246-221-290.

(12) "Background radiation" means radiation from cosmic sources; naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material, and including global fallout as it exists in the environment from the testing of nuclear explosive devices. "Background radiation" does not include sources of radiation from radioactive materials regulated by the department.

(13) "Becquerel" (Bq) means the SI unit of activity. One becquerel is equal to 1 disintegration or transformation per second (s^{-1}).

(14) "Bioassay" means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement, in vivo counting, or by analysis and evaluation of materials excreted or removed from the human body. For purposes of these regulations, "radiobioassay" is an equivalent term.

(15) "Byproduct material" means: (a) Any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material, and (b) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition.

(16) "Calendar quarter" means not less than twelve consecutive weeks nor more than fourteen consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method of determining calendar quarters for purposes of these regulations except at the beginning of a calendar year.

(17) "Calibration" means the determination of (a) the response or reading of an instrument relative to a series of known radiation values over the range of the instrument, or (b) the strength of a source of radiation relative to a standard.

(18) "CFR" means Code of Federal Regulations.

(19) "Class" means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: For Class D, Days, of less than ten days, for Class W, Weeks, from ten to one hundred days, and for Class Y, Years, of greater than one hundred days. For purposes of these regulations, "lung class" and "inhalation class" are equivalent terms. For "class of waste" see WAC 246-249-040.

(20) "Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

(21) "Committed dose equivalent" ($H_{T,50}$) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the fifty-year period following the intake.

(22) "Committed effective dose equivalent" ($H_{E,50}$) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($H_{E,50} = \sum w_T H_{T,50}$).

(23) "Controlled area." See "Restricted area."

(24) "Curie" means a unit of quantity of radioactivity. One curie (Ci) is that quantity of radioactive material which decays at the rate of 3.7×10^{10} transformations per second (tps).

(25) "Declared pregnant woman" means a woman who has voluntarily informed her employer, in writing, of her pregnancy, and her estimated date of conception.

(26) "Deep dose equivalent" (H_d), which applies to external whole body exposure, means the dose equivalent at a tissue depth of 1 centimeter (1000 mg/cm^2).

(27) "Department" means the department of health, division of radiation protection, which has been designated as the state radiation control agency.

(28) "Depleted uranium" means the source material uranium in which the isotope Uranium-235 is less than 0.711 percent by weight of the total uranium present. Depleted uranium does not include special nuclear material.

(29) "Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of two thousand hours under conditions of light work, results in an intake of one ALI. For purposes of these regulations, the condition of light work is an inhalation rate of 1.2 cubic meters of air per hour

for two thousand hours in a year. DAC values are given in WAC 246-221-290.

(30) "Derived air concentration-hour" (DAC-hour) means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take two thousand DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 0.05 Sv (5 rem).

(31) "Dose" is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent, or total effective dose equivalent. For purposes of these regulations, "radiation dose" is an equivalent term.

(32) "Dose commitment" means the total radiation dose to a part of the body that will result from retention in the body of radioactive material. For purposes of estimating the dose commitment, it is assumed that from the time of intake the period of exposure to retained material will not exceed fifty years.

(33) "Dose equivalent (H_T)" means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

(34) "Dose limits" means the permissible upper bounds of radiation doses established in accordance with these regulations. For purposes of these regulations, "limits" is an equivalent term.

(35) "Dosimetry processor" means a person that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to the monitoring devices.

(36) "dpm" means disintegrations per minute. See also "curie."

(37) "Effective dose equivalent (H_E)" means the sum of the products of the dose equivalent to each organ or tissue (H_T) and the weighting factor (w_T) applicable to each of the body organs or tissues that are irradiated ($H_E = \sum w_T H_T$).

(38) "Embryo/fetus" means the developing human organism from conception until the time of birth.

(39) "Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, without respect to their intended use.

(40) "Exposure" means (a), when used as a verb, being exposed to ionizing radiation or to radioactive material, or (b), when used as a noun, the quotient of ΔQ by Δm where " ΔQ " is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass " Δm " are completely stopped in air. The special unit of exposure is the roentgen (R) and the SI equivalent is the coulomb per kilogram. One roentgen is equal to 2.58×10^{-4} coulomb per kilogram of air.

(41) "Exposure rate" means the exposure per unit of time, such as roentgen per minute and milliroentgen per hour.

(42) "External dose" means that portion of the dose equivalent received from any source of radiation outside the body.

(43) "Extremity" means hand, elbow, arm below the elbow, foot, knee, and leg below the knee.

(44) "Eye dose equivalent" means the external dose equivalent to the lens of the eye at a tissue depth of 0.3 centimeter (300 mg/cm^2).

(45) "Former United States Atomic Energy Commission (AEC) or United States Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

(46) "Generally applicable environmental radiation standards" means standards issued by the United States Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(47) "Gray" (Gy) means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule/kilogram (100 rad).

(48) "Healing arts" means the disciplines of medicine, dentistry, osteopathy, chiropractic, podiatry, and veterinary medicine.

(49) "High radiation area" means any area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 1 mSv (0.1 rem) in one hour at 30 centimeters from any source of radiation or from any surface that the radiation penetrates. For purposes of these regulations, rooms or areas in which diagnostic x-ray systems are used for healing arts purposes are not considered high radiation areas.

(50) "Highway route controlled quantity" means a quantity of radioactive material in a single package which exceeds:

- (a) 3,000 times the A_1 or A_2 quantity as appropriate; or
- (b) 30,000 curies, whichever is less.

(51) "Human use" means the intentional internal or external administration of radiation or radioactive material to human beings.

(52) "Immediate" or "immediately" means as soon as possible but no later than four hours after the initiating condition.

(53) "IND" means investigatory new drug for which an exemption has been claimed under the United States Food, Drug and Cosmetic Act (Title 21 CFR).

(54) "Individual" means any human being.

(55) "Individual monitoring" means the assessment of:

- (a) Dose equivalent (i) by the use of individual monitoring devices or (ii) by the use of survey data; or
- (b) Committed effective dose equivalent (i) by bioassay or (ii) by determination of the time-weighted air concentrations to which an individual has been exposed, that is, DAC-hours.

(56) "Individual monitoring devices" means devices designed to be worn by a single individual for the assessment

of dose equivalent. For purposes of these regulations, individual monitoring equipment, personnel monitoring device, personnel dosimeter, and dosimeter are equivalent terms. Examples of individual monitoring devices are film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, and personal air sampling devices.

(57) "Inspection" means an official examination or observation by the department including but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the department.

(58) "Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

(59) "Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

(60) "Irretrievable source" means any sealed source containing licensed material which is pulled off or not connected to the wireline downhole and for which all reasonable effort at recovery, as determined by the department, has been expended.

(61) "License" means a license issued by the department in accordance with the regulations adopted by the department.

(62) "Licensed material" means radioactive material received, possessed, used, transferred, or disposed under a general or specific license issued by the department.

(63) "Licensee" means any person who is licensed by the department in accordance with these regulations and the act.

(64) "Licensing state" means any state with regulations equivalent to the suggested state regulations for control of radiation relating to, and an effective program for, the regulatory control of NARM and which has been granted final designation by the Conference of Radiation Control Program Directors, Inc.

(65) "Lost or missing licensed material" means licensed material whose location is unknown. This definition includes licensed material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

(66) "Major processor" means a user processing, handling, or manufacturing radioactive material exceeding Type A quantities as unsealed sources or material, or exceeding four times Type B quantities as sealed sources, but does not include nuclear medicine programs, universities, industrial radiographers, or small industrial programs. Type A and B quantities are defined in Section 71.4 of 10 CFR Part 71.

(67) "Member of the public" means an individual except when the individual is receiving an occupational dose.

(68) "Minor" means an individual less than eighteen years of age.

(69) "Monitoring" means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses. For purposes of these regulations, radiation monitoring and radiation protection monitoring are equivalent terms.

(70) "NARM" means any naturally occurring or accelerator-produced radioactive material. It does not include by-product, source, or special nuclear material. For the purpose of meeting the definition of a Licensing State by the Conference of Radiation Control Program Directors, Inc. (CRCPD), NARM refers only to discrete sources of NARM. Diffuse sources of NARM are excluded from consideration by the CRCPD for Licensing State designation purposes.

(71) "Natural radioactivity" means radioactivity of naturally occurring nuclides.

(72) "NDA" means a new drug application which has been submitted to the United States Food and Drug Administration.

(73) "Nonstochastic effect" means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect. For purposes of these regulations, a "deterministic effect" is an equivalent term.

(74) "Normal form radioactive material" means radioactive material which has not been demonstrated to qualify as "special form radioactive material."

(75) "Nuclear Regulatory Commission" (NRC) means the United States Nuclear Regulatory Commission or its duly authorized representatives.

(76) "Nuclear waste" as used in WAC 246-232-090(5) means any quantity of source or byproduct material, (not including radiography sources being returned to the manufacturer) required to be in Type B packaging while transported to, through, or across state boundaries to a disposal site, or to a collection point for transport to a disposal site. Nuclear waste, as used in these regulations, is a special classification of radioactive waste.

(77) "Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee, registrant, or other person. Occupational dose does not include dose received: From background radiation, (~~as a patient from medical practices~~) from any medical administration the individual has received, from exposure to individuals administered radioactive material and released pursuant to chapters 246-239 and 246-240 WAC, from voluntary participation in medical research programs, or as a member of the public.

(78) "Ore refineries" means all processors of a radioactive material ore.

(79) "Package" means the packaging together with its radioactive contents as presented for transport.

(80) "Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV.

(81) "Permittee" means a person who has applied for, and received, a valid site use permit for use of the low-level waste disposal facility at Hanford, Washington.

(82) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any

legal successor, representative, agent or agency of the foregoing, but shall not include federal government agencies.

(83) "Personal supervision" means supervision such that the supervisor is physically present at the facility and in such proximity that contact can be maintained and immediate assistance given as required.

(84) "Personnel monitoring equipment." See individual monitoring devices.

(85) "Pharmacist" means an individual licensed by this state to compound and dispense drugs, and poisons.

(86) "Physician" means an individual licensed by this state to prescribe and dispense drugs in the practice of medicine.

(87) "Planned special exposure" means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.

(88) "Practitioner" means an individual licensed by the state in the practice of a healing art (i.e., physician, dentist, podiatrist, chiropractor, etc.).

(89) "Public dose" means the dose received by a member of the public from exposure to sources of radiation under the licensee's or registrant's control or to radiation or radioactive material released by the licensee. ~~((Public dose does not include occupational dose(~~(-dose)~~) or doses received from background radiation, ((dose received as a patient from medical practices)) from any medical administration the individual has received, from exposure to individuals administered radioactive material and released pursuant to chapters 246-239 and 246-240 WAC, or ((dose received)) from voluntary participation in medical research programs.~~

(90) "Qualified expert" means an individual who has demonstrated to the satisfaction of the department he/she has the knowledge, training, and experience to measure ionizing radiation, to evaluate safety techniques, and to advise regarding radiation protection needs. The department reserves the right to recognize the qualifications of an individual in specific areas of radiation protection.

(91) "Quality factor" (Q) means the modifying factor, listed in Tables I and II, that is used to derive dose equivalent from absorbed dose.

TABLE I
QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES

TYPE OF RADIATION	Quality Factor (Q)	Absorbed Dose Equal to A Unit Dose Equivalent ^a
X, gamma, or beta radiation and high-speed electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

^a Absorbed dose in rad equal to 1 rem or the absorbed dose in gray equal to 1 Sv.

If it is more convenient to measure the neutron fluence rate rather than to determine the neutron dose equivalent rate in sievert per hour or rem per hour as required for Table I, then 0.01 Sv (1 rem) of neutron radiation of unknown energies may, for purposes of these regulations, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from Table II to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem.

TABLE II
MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE EQUIVALENT FOR MONOENERGETIC NEUTRONS

Neutron Energy (MeV)	Quality Factor ^a (Q)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² rem ⁻¹)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² Sv ⁻¹)
(thermal) 2.5 x 10 ⁻⁸	2	980 x 10 ⁶	980 x 10 ⁸
1 x 10 ⁻⁷	2	980 x 10 ⁶	980 x 10 ⁸
1 x 10 ⁻⁶	2	810 x 10 ⁶	810 x 10 ⁸
1 x 10 ⁻⁵	2	810 x 10 ⁶	810 x 10 ⁸
1 x 10 ⁻⁴	2	840 x 10 ⁶	840 x 10 ⁸
1 x 10 ⁻³	2	980 x 10 ⁶	980 x 10 ⁸
1 x 10 ⁻²	2.5	1010 x 10 ⁶	1010 x 10 ⁸

PERMANENT

1×10^{-1}	7.5	170×10^6	170×10^8
5×10^{-1}	11	39×10^6	39×10^8
1	11	27×10^6	27×10^8
2.5	9	29×10^6	29×10^8
5	8	23×10^6	23×10^8
7	7	24×10^6	24×10^8
10	6.5	24×10^6	24×10^8
14	7.5	17×10^6	17×10^8
20	8	16×10^6	16×10^8
40	7	14×10^6	14×10^8
60	5.5	16×10^6	16×10^8
1×10^2	4	20×10^6	20×10^8
2×10^2	3.5	19×10^6	19×10^8
3×10^2	3.5	16×10^6	16×10^8
4×10^2	3.5	14×10^6	14×10^8

^a Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-cm diameter cylinder tissue-equivalent phantom.

^b Monoenergetic neutrons incident normally on a 30-cm diameter cylinder tissue-equivalent phantom.

(92) "Quarter" means a period of time equal to one-fourth of the year observed by the licensee, approximately thirteen consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

(93) "Rad" means the special unit of absorbed dose. One rad equals one-hundredth of a joule per kilogram of material; for example, if tissue is the material of interest, then 1 rad equals 100 ergs per gram of tissue. One rad is equal to an absorbed dose of 100 erg/gram or 0.01 joule/kilogram (0.01 gray).

(94) "Radiation" means alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. For purposes of these regulations, ionizing radiation is an equivalent term. Radiation, as used in these regulations, does not include magnetic fields or nonionizing radiation, such as radiowaves or microwaves, visible, infrared, or ultraviolet light.

(95) "Radiation area" means any area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in one hour at thirty centimeters from the source of radiation or from any surface that the radiation penetrates.

(96) "Radiation machine" means any device capable of producing ionizing radiation except those devices with radioactive materials as the only source of radiation.

(97) "Radiation safety officer" means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been assigned such responsibility by the licensee or registrant.

(98) "Radiation source." See "Source of radiation."

(99) "Radioactive material" means any material (solid, liquid, or gas) which emits radiation spontaneously.

(100) "Radioactive waste" means any radioactive material which is no longer of use and intended for disposal or treatment for the purposes of disposal.

(101) "Radioactivity" means the transformation of unstable atomic nuclei by the emission of radiation.

(102) "Reference man" means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.

(103) "Registrable item" means any radiation machine except those exempted by RCW 70.98.180 or exempted by the department pursuant to the authority of RCW 70.98.080.

(104) "Registrant" means any person who is registered by the department or is legally obligated to register with the department in accordance with these regulations and the act.

(105) "Registration" means registration with the department in accordance with the regulations adopted by the department.

(106) "Regulations of the United States Department of Transportation" means the regulations in 49 CFR Parts 170-189, 14 CFR Part 103, and 46 CFR Part 146.

(107) "Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).

(108) "Research and development" means: (a) Theoretical analysis, exploration, or experimentation; or (b) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include

the internal or external administration of radiation or radioactive material to human beings.

(109) "Respiratory protective equipment" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

(110) "Restricted area" means any area to which access is limited by the licensee or registrant for purposes of protecting individuals against undue risks from exposure to radiation and radioactive material. "Restricted area" shall not include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

(111) "Roentgen" (R) means the special unit of exposure. One roentgen equals 2.58×10^{-4} coulombs/kilogram of air.

(112) "Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

(113) "Sealed source" means any device containing radioactive material to be used as a source of radiation which has been constructed in such a manner as to prevent the escape of any radioactive material.

(114) "Shallow dose equivalent" (H_s), which applies to the external exposure of the skin or an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm^2) averaged over an area of 1 square centimeter.

(115) "SI" means an abbreviation of the International System of Units.

(116) "Sievert" means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor ($1 \text{ Sv} = 100 \text{ rem}$).

(117) "Site area emergency" means events may occur, are in progress, or have occurred that could lead to a significant release of radioactive material and that could require a response by offsite response organizations to protect persons offsite.

(118) "Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

(119) "Source container" means a device in which radioactive material is transported or stored.

(120) "Source material" means: (a) Uranium or thorium, or any combination thereof, in any physical or chemical form, or (b) ores which contain by weight one-twentieth of one percent (0.05 percent) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material.

(121) "Source material milling" means the extraction or concentration of uranium or thorium from any ore processing primarily for its source material content.

(122) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing ionizing radiation.

(123) "Special form radioactive material" means radioactive material which satisfies the following conditions:

(a) It is either a single solid piece or is contained in a sealed capsule that can only be opened by destroying the capsule;

(b) The piece or capsule has at least one dimension not less than five millimeters (0.197 inch); and

(c) It satisfies the test requirements specified by the United States Nuclear Regulatory Commission. A special form encapsulation designed in accordance with the United States Nuclear Regulatory Commission requirements in effect on June 30, 1983, and constructed prior to July 1, 1985, may continue to be used. A special form encapsulation either designed or constructed after June 30, 1985, must meet requirements of this definition applicable at the time of its design or construction.

(124) "Special nuclear material" means:

(a) Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the United States Nuclear Regulatory Commission, pursuant to the provisions of section 51 of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, but does not include source material; or

(b) Any material artificially enriched in any of the foregoing, but does not include source material.

(125) "Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding three hundred fifty grams of contained U-235; Uranium-233 in quantities not exceeding two hundred grams; Plutonium in quantities not exceeding two hundred grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed "1" (i.e., unity). For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$\frac{175(\text{grams contained U-235})}{350} + \frac{50(\text{grams U-233})}{200} + \frac{50(\text{grams Pu})}{200} < 1$$

(126) "Stochastic effect" means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects. For purposes of these regulations, probabilistic effect is an equivalent term.

(127) "Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, release, disposal, or presence of sources of radiation. When appropriate, such evaluation includes, but is not limited to, tests, physical examinations, calculations and measurements of levels of radiation or concentration of radioactive material present.

(128) "Test" means (a) the process of verifying compliance with an applicable regulation, or (b) a method for deter-

PERMANENT

mining the characteristics or condition of sources of radiation or components thereof.

(129) "These regulations" mean all parts of the rules for radiation protection of the state of Washington.

(130) "Total effective dose equivalent" (TEDE) means the sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

(131) "Total organ dose equivalent (TODE)" means the sum of the deep dose equivalent and the committed dose equivalent to the organ or tissue receiving the highest dose.

(132) "Type A packaging" means packaging designed in accordance with 49 CFR 173.411 and 173.412 to retain its integral containment and shielding under normal conditions of transport as demonstrated by tests described in 49 CFR 173.465 or 173.466 as appropriate. The contents are limited to A₁ or A₂ quantities. The package does not require competent authority approval.

(133) "Type A quantity" means a quantity of radioactive material less than or equal to the A₁ or A₂ value for a single radionuclide, or for which the sum of the fractions does not exceed unity for a mixture of radionuclides.

(134) "Type B packaging" means packaging approved by the United States Nuclear Regulatory Commission for the transport of quantities of radioactivity in excess of A₁ or A₂. It is defined in detail in 10 CFR 71.4.

(135) "Type B quantity" means a quantity of radioactive material in excess of a Type A quantity. It requires Type B packaging for transportation.

(136) "United States Department of Energy" means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the department exercises functions formerly vested in the United States Atomic Energy Commission, its chairman, members, officers and components and transferred to the United States Energy Research and Development Administration and to the administrator thereof pursuant to sections 104 (b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, 42 U.S.C. 5814 effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977).

(137) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

(138) "Unrestricted area" (uncontrolled area) means any area which is not a restricted area. Areas where the external dose exceeds 2 mrem in any one hour or where the public dose, taking into account occupancy factors, will exceed 100 mrem total effective dose equivalent in any one year must be restricted.

(139) "Very high radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving an absorbed dose in excess of 5 Gy (500 rad) in one hour at one meter from a source of radiation or from any surface that the radiation penetrates.

(140) "Waste handling licensees" mean persons licensed to receive and store radioactive wastes prior to disposal and/or persons licensed to dispose of radioactive waste.

(141) "Week" means seven consecutive days starting on Sunday.

(142) "Weighting factor" w_T for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of w_T are:

ORGAN DOSE WEIGHTING FACTORS

Organ or Tissue	w_T
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30 ^a
Whole Body	1.00 ^b

^a 0.30 results from 0.06 for each of 5 "remainder" organs, excluding the skin and the lens of the eye, that receive the highest doses.

^b For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, $w_T = 1.0$, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

(143) "Whole body" means, for purposes of external exposure, head, trunk including male gonads, arms above the elbow, or legs above the knee.

(144) "Worker" means an individual engaged in activities under a license or registration issued by the department and controlled by a licensee or registrant but does not include the licensee or registrant. Where the licensee or registrant is an individual rather than one of the other legal entities defined under "person," the radiation exposure limits for the worker also apply to the individual who is the licensee or registrant. If students of age eighteen years or older are subjected routinely to work involving radiation, then the students are considered to be workers. Individuals of less than eighteen years of age shall meet the requirements of WAC 246-221-050.

(145) "Working level" (WL) means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon daughters are — for radon-222: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212.

PERMANENT

(146) "Working level month" (WLM) means an exposure to one working level for one hundred seventy hours — two thousand working hours per year divided by twelve months per year is approximately equal to one hundred seventy hours per month.

(147) "Year" means the period of time beginning in January used to determine compliance with the provisions of these regulations. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-001 Purpose and scope. (1) This chapter establishes standards for protection against radiation hazards. Except as otherwise specifically provided, this chapter applies to all licensees or registrants. The requirements of this chapter are designed to control the receipt, possession, use, transfer, and disposal of sources of radiation by any licensee or registrant so the total dose to an individual, including doses resulting from all sources of radiation other than background radiation, does not exceed the standards for protection against radiation prescribed in this chapter.

(2) The limits in this chapter do not apply to doses due to background radiation, to exposure of patients to radiation for the purpose of medical diagnosis or therapy, to exposure from individuals administered radioactive material and released pursuant to chapters 246-239 and 246-240 WAC, or to voluntary participation in medical research programs.

(3) Nothing in this chapter shall be interpreted as limiting actions that may be necessary to protect health and safety in an emergency.

(4) The definitions contained in WAC 246-220-010 also apply to this chapter. WAC 246-220-007, Statement of philosophy, is directly applicable to this chapter.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-060 Dose limits for individual members of the public. (1) Each licensee or registrant shall conduct operations so that:

(a) The total effective dose equivalent to individual members of the public from the licensed or registered operation does not exceed 1 mSv (0.1 rem) in a year, exclusive of the dose contributions from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released pursuant to chapters 246-239 and 246-240 WAC, from voluntary participation in medical research programs, and from the licensee's or registrant's disposal of radioactive material into sanitary sewerage in accordance with WAC 246-221-190; and

(b) The dose in any unrestricted area from external sources, exclusive of the dose contributions from patients administered radioactive material and released pursuant to

chapters 246-239 and 246-240 WAC, does not exceed 0.02 mSv (0.002 rem) in any one hour.

(2) If the licensee or registrant permits members of the public to have access to restricted areas, they shall be escorted and the limits for members of the public continue to apply to those individuals.

(3) Notwithstanding subsection (1) of this section, a licensee or registrant may continue to operate a facility constructed and put into operation prior to January 1, 1994, where the annual dose limit for an individual member of the public is more than 1 mSv (0.1 rem) and less than 5 mSv (0.5 rem) total effective dose equivalent, provided:

(a) The facility's approved operating conditions for each radiation source remain the same. Any increase in the following operating conditions shall require reevaluation and/or modification of the facility shielding applicable to the source of radiation to meet the 1 mSv (0.1 rem) total effective dose equivalent limit for individual members of the public: size of the radiation source, workload, or occupancy factors associated with the source of radiation; and

(b) Any change in the permanent shielding of the facility due to remodeling, repair or replacement shall require the facility to meet the 1 mSv (0.1 rem) total effective dose equivalent limit for individual members of the public for areas affected by that portion of the shielding.

(4) Each licensee or registrant shall maintain records sufficient to demonstrate compliance with the dose limit for individual members of the public.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-130 Exceptions from posting and labeling requirements. (1) A room or area is not required to be posted with a caution sign because of the presence of a sealed source, provided the radiation level 30 centimeters from the surface of the source container or housing does not exceed 0.05 mSv (five millirem) per hour.

(2) Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs because of the presence of patients containing radioactive material provided that ~~((confinement is not required))~~ the patient could be released from licensee control pursuant to chapters 246-239 and 246-240 WAC.

(3) Caution signs are not required to be posted in areas or rooms containing radioactive material for periods of less than eight hours provided that:

(a) The material is constantly attended during such periods by an individual who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in this part; and

(b) Such area or room is subject to the licensee's or registrant's control.

(4) A room or other area is not required to be posted with a caution sign because of the presence of radioactive material prepared for transport and packaged and labeled in accordance with regulations of the United States Department of Transportation.

(5) A room or area is not required to be posted with a caution sign because of the presence of a diagnostic x-ray system used solely for healing arts purposes.

(6) The interior of a teletherapy room is not required to be posted with caution signs provided such posting is conspicuously placed at the entrance(s) to the rooms.

(7) A licensee is not required to label:

(a) Containers holding licensed material in quantities less than the quantities listed in WAC 246-221-300; or

(b) Containers holding licensed material in concentrations less than those specified in WAC 246-221-290, Table III; or

(c) Containers attended by an individual who takes the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established by this chapter; or

(d) Containers when they are in transport and packaged and labeled in accordance with the regulations of the United States Department of Transportation; or

(e) Containers such as those located in water-filled canals, storage vaults, or hot cells, that are accessible only to individuals authorized to handle or use them, or to work in the vicinity of the containers, provided the contents are identified to these individuals by a readily available written record. The record shall be retained as long as the containers are in use for the purpose indicated on the record; or

(f) Installed manufacturing or process equipment, such as chemical process equipment, piping, and tanks.

(8) Each licensee, prior to removal or disposal of empty uncontaminated containers to unrestricted areas, shall remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials.

AMENDATORY SECTION (Amending WSR 95-01-108, filed 12/21/94, effective 1/21/95)

WAC 246-221-250 Notification of incidents. (1) **Immediate notification.** Notwithstanding other requirements for notification, each licensee and/or registrant shall immediately (as soon as possible but no later than four hours after discovery of an incident) notify the State Department of Health, Division of Radiation Protection, P.O. Box 47827, Olympia, Washington 98504-7827, by telephone (206/682-5327) and confirming letter, telegram, mailgram, or facsimile of any incident involving any radiation source which may have caused or threatens to cause:

(a) An individual to receive:

(i) A total effective dose equivalent of 0.25 Sv (25 rem) or more; or

(ii) An eye dose equivalent of 0.75 Sv (75 rem) or more; or

(iii) A shallow dose equivalent to the skin or extremities or a total organ dose equivalent of 2.5 Sv (250 rem) or more; or

(b) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for twenty-four hours, the individual could have received an intake five times the occupational ALI. This provision does not apply to locations where personnel are not normally sta-

tioned during routine operations, such as hot-cells or process enclosures; or

(c) The loss of ability to take immediate protective actions necessary to avoid exposure to sources of radiation or releases of radioactive material that could exceed regulatory limits. Events which could cause such a loss of ability include fires, explosions, toxic gas releases, etc.

(2) **Twenty-four hour notification.** Each licensee and/or registrant shall within twenty-four hours of discovery of the event, notify the State Department of Health, Division of Radiation Protection, P.O. Box 47827, Olympia, Washington 98504-7827, by telephone (206/682-5327) and confirming letter, telegram, mailgram, or facsimile of any incident involving any radiation source possessed which may have caused or threatens to cause:

(a) An individual to receive, in a period of twenty-four hours:

(i) A total effective dose equivalent exceeding 0.05 Sv (5 rem); or

(ii) An eye dose equivalent exceeding 0.15 Sv (15 rem); or

(iii) A shallow dose equivalent to the skin or extremities or a total organ dose equivalent exceeding 0.5 Sv (50 rem); or

(b) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for twenty-four hours, the individual could have received an intake in excess of one occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures; or

(c) An unplanned contamination incident that:

(i) Requires access to the contaminated area, by workers or the general public, to be restricted for more than twenty-four hours by imposing additional radiological controls or by prohibiting entry into the area;

(ii) Involves a quantity of material greater than five times the lowest annual limit on intake specified in WAC 246-221-290; and

(iii) Has access to the area restricted for a reason other than to allow radionuclides with a half-life of less than twenty-four hours to decay prior to decontamination; or

(d) Equipment failure or inability to function as designed when:

(i) The equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive material exceeding regulatory limits or to mitigate the consequences of an accident;

(ii) The equipment is required to be available and operable at the time it becomes disabled or fails to function; and

(iii) No redundant equipment is available and operable to perform the required safety functions; or

(e) An unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body; or

(f) An unplanned fire or explosion damaging any radioactive material or any device, container or equipment containing radioactive material when:

(i) The quantity of radioactive material involved is greater than five times the lowest annual limit on intake specified in WAC 246-221-290; and

(ii) The damage affects the integrity of the radioactive material or its container.

(3) For each occurrence requiring notification pursuant to this section, a prompt investigation of the situation shall be initiated by the licensee/registrant. A written report of the findings of the investigation shall be sent to the department within thirty days.

(4) The licensee or registrant shall prepare each report filed with the department pursuant to this section so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

Any report filed with the department pursuant to this section shall contain the information described in WAC 246-221-260 (2) and (3).

(5) The provisions of this section do not apply to doses that result from planned special exposures, provided such doses are within the limits for planned special exposures and are reported pursuant to WAC 246-221-265.

(6) Telephone notifications that do not involve immediate or twenty-four hour notification shall not be made to the emergency number (Seattle 206/682-5327). Routine calls should be made to the Olympia office (~~(360/753-3468)~~) (360 236-3300).

(7) Telephone notification required under this section shall include, to the extent that the information is available at the time of notification:

- (a) The caller's name and call-back telephone number;
- (b) A description of the incident including date and time;
- (c) The exact location of the incident;
- (d) The radionuclides, quantities, and chemical and physical forms of the radioactive materials involved; and
- (e) Any personnel radiation exposure data available.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-222-080 Inspections not warranted—Informal review. (1) If the department of health, division of radiation protection determines, with respect to a complaint under WAC 246-222-070 that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the division of radiation protection shall notify the complainant in writing of such determination.

(a) If the complaint resulted from activities concerning naturally occurring or accelerator produced radioactive materials and/or radiation producing machines: The complainant may obtain review of such determination by submitting a written statement of position to the Assistant Director, Division of Industrial Safety and Health, P.O. Box 4600, Olympia, Washington 98504-4600. Such request for informal review will be processed according to the provisions of WAC 296-350-460 and the provisions of the interagency agreement between the department of labor and industries and the department of health, division of radiation protection, if any.

(b) If the complaint resulted from activities concerning byproduct material, source material, and/or special nuclear material: The complainant may obtain review of such determination by submitting a written statement of position with the Department of Health, Division of Radiation Protection, P.O. Box 47827, Olympia, Washington 98504-7827 (~~(360/753-3468)~~) (360 236-3300), who will provide the licensee or registrant with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the department of health, division of radiation protection, who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the department of health may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written or oral views presented, the department of health shall affirm, modify, or reverse the determination of the division of radiation protection and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.

(2) If the division of radiation protection determines that an inspection is not warranted because the requirements of WAC 246-222-070(1) have not been met, it shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of WAC 246-222-070(1).

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-232-010 Exemptions. (1) *Source material.*

(a) Any person is exempt from this chapter and chapters 246-233 and 246-235 WAC to the extent that such person receives, possesses, uses, owns, or transfers source material in any chemical mixture, compound, solution or alloy in which the source material is by weight less than 1/20 of one percent (0.05 percent) of the mixture, compound, solution, or alloy.

(b) Any person is exempt from this chapter and chapters 246-233 and 246-235 WAC to the extent that such person receives, possesses, uses or transfers unrefined and unprocessed ore containing source material: *Provided*, That, except as authorized in a specific license, such person shall not refine or process such ore.

(c) Any person is exempt from this chapter and chapters 246-233 and 246-235 WAC to the extent that such person receives, possesses, uses or transfers:

(i) Any quantities of thorium contained in:

(A) Incandescent gas mantles;

(B) Vacuum tubes;

(C) Welding rods;

(D) Electric lamps for illuminating purposes provided that each lamp does not contain more than fifty milligrams of thorium;

PERMANENT

(E) Germicidal lamps, sunlamps and lamps for outdoor or industrial lighting provided that each lamp does not contain more than two grams of thorium;

(F) Rare earth metals and compounds, mixtures, and products containing not more than 0.25 percent by weight thorium, uranium, or any combination of these; or

(G) Personnel neutron dosimeters, provided each dosimeter does not contain more than 50 milligrams of thorium;

(ii) Source material contained in the following products:

(A) Glazed ceramic tableware: *Provided*, That the glaze contains not more than twenty percent by weight source material; and

(B) Piezoelectric ceramic containing not more than two percent by weight source material;

(iii) Photographic film, negatives and prints containing uranium or thorium;

(iv) Any finished product or part fabricated of, or containing, tungsten-thorium or magnesium-thorium alloys: *Provided*, That the thorium content of the alloy does not exceed four percent by weight and that the exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such product or part;

(v) Depleted uranium contained in counterweights installed in aircraft, rockets, projectiles and missiles, or stored or handled in connection with installation or removal of such counterweights, provided that:

(A) The counterweights are manufactured in accordance with a specific license issued by the United States Nuclear Regulatory Commission authorizing distribution by the licensee pursuant to 10 CFR Part 40;

(B) Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM"*;

(C) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED"*; and

(D) The exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such counterweight other than repair or restoration of any plating or other covering;

*Note: The requirements specified in (c)(v)(B) and (C) of this subsection need not be met by counterweights manufactured prior to December 31, 1969: *Provided*, That such counterweights are impressed with the legend, "CAUTION - RADIOACTIVE MATERIAL - URANIUM," as previously required by the regulations.

(vi) Depleted uranium used as shielding constituting part of any shipping container which is conspicuously and legibly impressed with the legend "CAUTION - RADIOACTIVE SHIELDING - URANIUM" and the uranium metal is encased in mild steel or in an equally fire resistant metal of a minimum wall thickness of 3.2 millimeters.

(vii) Thorium contained in finished optical lenses: *Provided*, That each lens does not contain more than thirty percent by weight of thorium, and that the exemption contained in this subparagraph shall not be deemed to authorize either:

(A) The shaping, grinding or polishing of such lens or manufacturing processes other than the assembly of such lens into optical systems and devices without alteration of the lens; or

(B) The receipt, possession, use or transfer of thorium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or other optical instruments;

(viii) Uranium contained in detector heads for use in fire detection units: *Provided*, That each detector head contains not more than 0.005 microcuries of uranium; or

(ix) Thorium contained in any finished aircraft engine part containing nickel-thoria alloy, provided that:

(A) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and

(B) The thorium content in the nickel-thoria alloy does not exceed four percent by weight.

(d) The exemptions in (c) of this subsection do not authorize the manufacture of any of the products described.

(2) *Radioactive material other than source material.*

(a) Exempt concentrations.

(i) Except as provided in (a)(ii) of this subsection any person is exempt from this chapter and chapters 246-233 and 246-235 WAC to the extent that such person receives, possesses, uses, transfers, owns or acquires products or materials containing radioactive material in concentrations not in excess of those listed in WAC 246-232-130, Schedule C.

(ii) No person may introduce radioactive material into a product or material, knowing or having reason to believe, that it will be transferred to persons exempt under (a)(i) of this subsection or equivalent regulations of the United States Nuclear Regulatory Commission, any agreement state or licensing state, except in accordance with a specific license issued pursuant to WAC ((~~246-235-100(1))~~) 246-235-105 or the general license provided in WAC 246-232-040.

(b) Exempt quantities.

(i) Except as provided in (b)(ii) and (iii) of this subsection any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in WAC 246-232-120, Schedule B.

(ii) This paragraph, WAC 246-232-010 (2)(b), does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.

(iii) No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in WAC 246-232-120, Schedule B, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under (b) of this subsection or equivalent regulations of the United States Nuclear Regulatory Commission or any agreement state or licensing state, except in accordance with a specific license issued by the United States Nuclear Regulatory Commission, pursuant to Section 32.18 of 10 CFR Part 32 or by the department pursuant to WAC ((~~246-235-100(2))~~) 246-235-105 which license states that the radioactive material may be transferred by the licensee to persons exempt under (b) of this subsection or the equivalent regulations of the United States

Nuclear Regulatory Commission or any agreement state or licensing state.

(c) Exempt items.

(i) Certain items containing radioactive material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products, any person is exempt from these regulations to the extent that person receives, possesses, uses, transfers, owns or acquires the following products:*

*Note: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or byproduct material whose subsequent possession, use, transfer and disposal by all other persons who are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, D.C. 20555.

(A) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified levels of radiation:

25 millicuries of tritium per timepiece;

5 millicuries of tritium per hand;

15 millicuries of tritium per dial (bezels when used shall be considered as part of the dial);

100 microcuries of promethium - 147 per watch or 200 microcuries of promethium - 147 per any other timepiece;

20 microcuries of promethium - 147 per watch hand or 40 microcuries of promethium - 147 per other timepiece hand;

60 microcuries of promethium - 147 per watch dial or 120 microcuries of promethium - 147 per other timepiece dial (bezels when used shall be considered as part of the dial);

The levels of radiation from hands and dials containing promethium - 147 will not exceed, when measured through 50 milligrams per square centimeter of absorber:

For wrist watches, 0.1 millirad per hour at 1 centimeter from any surface;

For pocket watches, 0.1 millirad per hour at 1 centimeter from any surface;

For any other timepiece, 0.2 millirad per hour at 10 centimeters from any surface.

One microcurie of radium-226 per timepiece in timepieces manufactured prior to the effective date of these regulations.

(B) Lock illuminators containing not more than 15 millicuries of tritium or not more than 2 millicuries of promethium - 147 installed in automobile locks. The levels of radiation from each lock illuminator containing promethium - 147 will not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber.

(C) Precision balances containing not more than 1 millicurie of tritium per balance or not more than 0.5 millicurie of tritium per balance part.

(D) Automobile shift quadrants containing not more than 25 millicuries of tritium.

(E) Marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas.

(F) Thermostat dials and pointers containing not more than 25 millicuries of tritium per thermostat.

(G) Electron tubes: *Provided*, That each tube does not contain more than one of the following specified quantities of radioactive material:

(aa) 150 millicuries of tritium per microwave receiver protector tube or 10 millicuries of tritium per any other electron tube;

(bb) 1 microcurie of cobalt-60;

(cc) 5 microcuries of nickel-63;

(dd) 30 microcuries of krypton-85;

(ee) 5 microcuries of cesium-137;

(ff) 30 microcuries of promethium-147;

(gg) 1 microcurie of radium-226;

And provided further, That the levels of radiation from each electron tube containing radioactive material does not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 7 milligrams per square centimeter of absorber.*

*Note: For purposes of this subdivision, "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes, and any other completely sealed tube that is designed to conduct or control electrical currents.

(H) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, a source of radioactive material not exceeding 0.05 microcuries of americium-241 or the applicable quantity set forth in WAC 246-232-120, Schedule B.

(I) Spark gap irradiators containing not more than 1 microcurie of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners having a firing rate of at least three gallons (11.4 liters) per hour.

(ii) Self-luminous products containing radioactive material(s).

(A) Tritium, krypton-85 or promethium-147. Except for persons who manufacture, process or produce self-luminous products containing tritium, krypton-85 or promethium-147, any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported or transferred in accordance with a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.22 of 10 CFR Part 32, which license authorizes the transfer of the product to persons who are exempt from regulatory requirements. The exemption in (c)(ii) of this subsection does not apply to tritium, krypton-85 or promethium-147 used in products for frivolous purposes or in toys or adornments.

(B) Radium-226. Any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers or owns articles containing less than 0.1 microcurie of radium-226 which were manufactured prior to October 1983.

(iii) Gas and aerosol detectors containing radioactive material.

(A) Except for persons who manufacture, process or produce gas and aerosol detectors containing radioactive material, any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards: *Provided*, That detectors containing radioactive material shall have been manufactured, imported, or transferred in accordance with a specific license issued by the United States Nuclear Regulatory Commission* or an agreement state, pursuant to Section 32.26 of 10 CFR Part 32, or licensing state pursuant to WAC ((246-235-100(3))) 246-235-105, which authorizes the transfer of the detectors to persons who are exempt from regulatory requirements.

*Note: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, D.C. 20555.

(B) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an agreement state shall be considered exempt under (c)(iii)(A) of this subsection: *Provided*, That the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device: *And provided further*, That they meet the requirements of WAC ((246-235-100(3))) 246-235-105.

(C) Gas and aerosol detectors containing naturally occurring and accelerator-produced radioactive material (NARM) previously manufactured and distributed in accordance with a specific license issued by a licensing state shall be considered exempt under (c)(iii)(A) of this subsection: *Provided*, That the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device, and provided further that they meet the requirements of WAC ((246-235-100(3))) 246-235-105.

(iv) Resins containing scandium-46 and designed for sand consolidation in oil wells. Any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns or acquires synthetic plastic resins containing scandium-46 which are designed for sand consolidation in oil wells. Such resins shall have been manufactured or imported in accordance with a specific license issued by the United States Nuclear Regulatory Commission or shall have been manufactured in accordance with the specifications contained in a specific license issued by the department or any agreement state to the manufacturer of such resins pursuant to licensing requirements equivalent to those in Sections 32.16 and 32.17 of 10 CFR Part 32 of the regulations of the United States Nuclear Regulatory Commission. This exemption does not authorize the manufacture of any resins containing scandium-46.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-232-040 Reciprocal recognition of licenses. (1) Subject to these regulations, any person who holds a specific license from the United States Nuclear Regulatory Commission or any agreement state or licensing state, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this state for a period not in excess of one hundred eighty days in that twelve month period which commences the date approval is granted, and the appropriate fee received, by the department provided that:

(a) The licensing document does not limit the activity authorized by such document to specified installations or locations;

(b) The out-of-state licensee notifies the department in writing and pays or has paid the appropriate fee (refer to chapter 246-254 WAC), at least three days prior to each entry to the state to engage in such activity. The written notification must be sent to the Radioactive Materials Section, Department of Health, Mailstop ((~~LE-13~~) 47827, Olympia, Washington 98504-~~7827~~ and the fee should be sent to Washington State Department of Health, Revenue Accounting, P.O. Box 1099, Olympia, Washington 98504. Such notification shall indicate the location, period, and type of proposed possession and use within the state, and shall be accompanied by copies of the pertinent licensing documents. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon telephone application to the department ((~~360-753-4481~~)) (360 236-3220), obtain permission to proceed sooner. The department may waive the requirement for filing additional written notifications during the remainder of the twelve months following the receipt of the initial notification from a person engaging in activities under the general license provided in this subsection;

(c) The out-of-state licensee complies with all applicable regulations of the department and with all the terms and conditions of the licensing document, except any such terms and conditions which may be inconsistent with applicable regulations of the department;

(d) The out-of-state licensee supplies such other information as the department may request; and

(e) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in this subsection except by transfer to a person:

(i) Specifically licensed by the department or by the United States Nuclear Regulatory Commission, an agreement state or a licensing state to receive such material; or

(ii) Exempt from the requirements for a license for such material under WAC 246-232-010 (2)(a).

(2) Notwithstanding the provisions of subsection (1) of this section, any person who holds a specific license issued by the United States Nuclear Regulatory Commission, an agreement state or a licensing state authorizing the holder to

PERMANENT

manufacture, transfer, install, or service a device described in WAC 246-233-020(4) within the areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or service a device in this state provided that:

(a) Such person shall file a report with the department within thirty days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;

(b) The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the United States Nuclear Regulatory Commission, an agreement state or a licensing state;

(c) Such person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement that "Removal of this label is prohibited"; and

(d) The holder of the specific license shall furnish to each general licensee to whom such device is transferred or on whose premises such device is installed a copy of the general license contained in WAC 246-233-020(4).

(3) The department may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by another agency, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to prevent undue hazard to public health and safety or property.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-233-010 General licenses—Source material. (1) A general license is hereby issued authorizing use, possession, and transfer of not more than fifteen pounds of source material at any one time by persons in the following categories:

(a) Pharmacists using the source material solely for the preparation of medicinal compounds;

(b) Physicians using the source material for medicinal purposes;

(c) Persons receiving possession of source material from pharmacists and physicians in the form of medicinals or drugs;

(d) Commercial and industrial firms, and research, educational, and medical institutions, and state and local government agencies for research, development, educational, operational, or commercial purposes: *And provided*, That no such person shall, pursuant to this general license, receive more than a total of one hundred fifty pounds of source material in any one calendar year.

(2) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in subsection (1) of this section are exempt from the provisions of chapters 246-221 and 246-222 WAC to the extent that such receipt, possession, use, or transfer is within the terms of such general license: *Provided, however*, That this exemption shall not be

deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to chapter 246-235 WAC.

(3) A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize any person to receive, possess, use, or transfer source material.

(4) Depleted uranium in industrial products and devices.

(a) A general license is hereby issued to receive, acquire, possess, use, or transfer, in accordance with the provisions of paragraphs (4)(b), (c), (d), and (e) of this section, depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.

(b) The general license in paragraph (4)(a) of this section applies only to industrial products or devices which have been manufactured either in accordance with a specific license issued to the manufacturer of the products or devices pursuant to WAC (~~(246-235-100(13))~~) 246-235-091 or in accordance with a specific license issued to the manufacturer by the United States Nuclear Regulatory Commission or an agreement state which authorizes manufacture of the products or devices for distribution to persons generally licensed by the United States Nuclear Regulatory Commission or an agreement state.

(c)(i) Persons who receive, acquire, possess, or use depleted uranium pursuant to the general license established by paragraph (4)(a) of this section shall file department form RHF-20 "Registration certificate - Use of depleted uranium under general license," with the department. The form shall be submitted within thirty days after the first receipt or acquisition of such depleted uranium. The registrant shall furnish on department form RHF-20 the following information and such other information as may be required by that form:

(A) Name and address of the registrant;

(B) A statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in paragraph (4)(a) of this section and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and

(C) Name and/or title, address, and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in item (4)(c)(i)(B) of this section.

(ii) The registrant possessing or using depleted uranium under the general license established by paragraph (4)(a) of this section shall report in writing to the department any changes in information previously furnished on the "Registration certificate - Use of depleted uranium under general license." The report shall be submitted within thirty days after the effective date of such change.

(d) A person who receives, acquires, possesses, or uses depleted uranium pursuant to the general license established by paragraph (4)(a) of this section:

(i) Shall not introduce such depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium.

(ii) Shall not abandon such depleted uranium.

(iii) Shall transfer or dispose of such depleted uranium only by transfer in accordance with the provision of chapter 246-232 WAC. In the case where the transferee receives the depleted uranium pursuant to the general license established by paragraph (4)(a) of this section the transferor shall furnish the transferee a copy of this regulation and a copy of department form RHF-20.

In the case where the transferee receives the depleted uranium pursuant to a general license contained in the United States Nuclear Regulatory Commission's or agreement state's regulation equivalent to paragraph (4)(a) of this section the transferor shall furnish the transferee a copy of this regulation and a copy of department form RHF-20 accompanied by a note explaining that use of the product or device is regulated by the United States Nuclear Regulatory Commission or agreement state under requirements substantially the same as those in this regulation.

(iv) Shall maintain and make available to the department upon request the name and address of the person receiving the depleted uranium pursuant to such transfer.

(v) Shall not export such depleted uranium except in accordance with a license issued by the United States Nuclear Regulatory Commission pursuant to 10 CFR Part 110.

(e) Any person receiving, acquiring, possessing, using, or transferring depleted uranium pursuant to the general license established by paragraph (4)(a) of this section is exempt from the requirements of chapters 246-221 and 246-222 WAC of these regulations with respect to the depleted uranium covered by that general license.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-233-020 General licenses*—Radioactive material other than source material.

*Note: Different general licenses are issued in this section, each of which has its own specific conditions and requirements.

(1) **Certain devices and equipment.** A general license is hereby issued to transfer, receive, acquire, own, possess, and use radioactive material incorporated in the following devices or equipment which have been manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the United States Nuclear Regulatory Commission for use pursuant to Section 31.3 of 10 CFR Part 31. This general license is subject to the provisions of WAC 246-220-020, 246-220-030, 246-220-040, 246-220-050, 246-220-060, 246-220-070, chapters 246-232, 246-221** and 246-222 WAC.

(a) **Static elimination device.** Devices designed for use as static eliminators which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of Polonium-210 per device.

(b) **Ion generating tube.** Devices designed for ionization of air which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of Polonium-210 per device or a total of not more than 50 millicuries of Hydrogen-3 (tritium) per device.

** Attention is directed particularly to the provisions of chapter 246-221 WAC of these regulations which relate to the labeling of containers.

(2) Reserved.

(3) Reserved.

(4) **Certain measuring, gauging or controlling devices.**

(a) A general license is hereby issued to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and state or local government agencies to own, acquire, receive, possess, use or transfer, in accordance with the provisions of (b), (c), and (d) of this subsection, radioactive material excluding special nuclear material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(b) The general license in (a) of this subsection applies only to radioactive material contained in devices which have been manufactured and labeled in accordance with the specifications contained in a specific license issued by the department pursuant to WAC ((246-235-100(4))) 246-235-093 or in accordance with the Nuclear Regulatory Commission, an agreement state or a licensing state, which authorizes distribution of devices to persons generally licensed by the United States Nuclear Regulatory Commission, an agreement state or licensing state**.

*Note: Regulations under the Federal Food, Drug, and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in Section 179.21 of 21 CFR Part 179.

(c) Any person who owns, acquires, receives, possesses, uses or transfers radioactive material in a device pursuant to the general license in (a) of this subsection:

(i) Shall assure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained thereon and shall comply with all instructions and precautions provided by such labels;

(ii) Shall assure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as are specified in the label, however:

(A) Devices containing only krypton need not be tested for leakage of radioactive material; and

(B) Devices containing only tritium or not more than 100 microcuries of other beta and/or gamma emitting material or 10 microcuries of alpha emitting material need not be tested for any purpose. Devices held in storage in the original shipping container prior to initial installation need not be tested until immediately prior to use;

(iii) Shall assure that the tests required by (c)(ii) of this subsection and other testing, installing, servicing, and removing from installation involving the radioactive materials, its shielding or containment, are performed:

(A) In accordance with the instructions provided by the labels; or

(B) By a person holding a specific license from the department or from the United States Nuclear Regulatory Commission or from any agreement state or from a licensing state to perform such activities;

(iv) Shall maintain records showing compliance with the requirements of (c)(ii) and (iii) of this subsection. The records shall show the results of tests. The records also shall show the dates of performance and the names of persons performing, testing, installing, servicing, and removing from installation concerning the radioactive material, its shielding or containment. Records of tests for leakage of radioactive material required by (c)(ii) of this subsection shall be maintained for one year after the next required leak test is performed or the sealed source is transferred or disposed. Records of tests of the on/off mechanism and indicator required by (c)(ii) of this subsection shall be maintained for one year after the next required test of the on/off mechanism and indicator is performed or the sealed source is transferred or disposed. Records of other testing, installation, servicing, and removal from installation required by (c)(iii) of this subsection shall be maintained for a period of two years from the date of the recorded event or until the device is transferred or disposed;

(v) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on/off mechanism or indicator, or upon the detection of 0.005 microcuries or more removable radioactive material, shall immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding a specific license from the department, the United States Nuclear Regulatory Commission, or from an agreement state or a licensing state to repair such devices, or disposed by transfer to a person authorized by a specific license to receive the radioactive material contained in the device and, within thirty days, furnish to the department a written report containing a brief description of the event and the remedial action taken;

(vi) Shall not abandon the device containing radioactive material;

(vii) Except as provided in (c)(viii) of this subsection, shall transfer or dispose the device containing radioactive material only by transfer to a person holding a specific license of the department, the United States Nuclear Regulatory Commission, or an agreement state, or a licensing state whose specific license authorizes the person to receive the device and within thirty days after transfer of a device to a specific licensee shall furnish to the department a report containing identification of the device by manufacturer's name, model number and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;

(viii) Shall transfer the device to another general licensee only:

(A) Where the device remains in use at a particular location. In such case, the transferor shall give the transferee a copy of this subsection and any safety documents identified in the label of the device and within thirty days of the transfer, report to the department the manufacturer's name, model number of device transferred, the name and address of the transferee, and the name and/or position of an individual who may constitute a point of contact between the department and the transferee; or

(B) Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee:

(ix) Shall comply with the provisions of WAC 246-221-240 and 246-221-250 for reporting radiation incidents, theft or loss of licensed material, but shall be exempt from the other requirements of chapters 246-221 and 246-222 WAC.

(d) The general license in (a) of this subsection does not authorize the manufacture, import or export of devices containing radioactive material.

(e) The general license provided in this subsection is subject to the provisions of WAC 246-220-020, 246-220-030, 246-220-040, 246-220-060, 246-220-070, 246-220-100, 246-232-050, 246-232-070, 246-232-080, and 246-232-090.

(5) *Luminous safety devices for aircraft.*

(a) A general license is hereby issued to own, receive, acquire, possess and use tritium or Promethium-147 contained in luminous safety devices for use in aircraft, provided:

(i) Each device contains not more than 10 curies of tritium or 300 millicuries of Promethium-147; and

(ii) Each device has been manufactured, assembled or imported in accordance with a specific license issued by the United States Nuclear Regulatory Commission, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the department or any agreement state to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in Section 32.53 of 10 CFR Part 32 of the regulations of the United States Nuclear Regulatory Commission.

(b) Persons who own, receive, acquire, possess or use luminous safety devices pursuant to the general license in this subsection are exempt from the requirements of chapters 246-221 and 246-222 WAC except that they shall comply with the provisions of WAC 246-221-240 and 246-221-250.

(c) This general license does not authorize the manufacture, assembly, or repair of luminous safety devices containing tritium or Promethium-147.

(d) This general license does not authorize the ownership, receipt, acquisition, possession or use of Promethium-147 contained in instrument dials.

(e) This general license is subject to the provisions of WAC 246-220-020, 246-220-030, 246-220-040, 246-220-050, 246-220-060, 246-220-070, 246-220-100, 246-232-050, 246-232-070, 246-232-080, and 246-232-090.

(6) *Ownership of radioactive material.* A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this chapter, this general license does not authorize the manufacture, production, transfer, receipt, possession or use of radioactive material.

(7) *Calibration and reference sources.*

(a) A general license is hereby issued to those persons listed below to own, receive, acquire, possess, use and transfer, in accordance with the provisions of (d) and (e) of this subsection, Americium-241 in the form of calibration or reference sources:

(i) Any person who holds a specific license issued by the department which authorizes that person to receive, possess, use and transfer radioactive material; or

(ii) Any person who holds a specific license issued by the United States Nuclear Regulatory Commission which authorizes that person to receive, possess, use and transfer special nuclear material.

(b) A general license is hereby issued to own, receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of (d) and (e) of this subsection to any person who holds a specific license issued by the department which authorizes that person to receive, possess, use and transfer radioactive material.

(c) A general license is hereby issued to own, receive, possess, use and transfer Radium-226 in the form of calibration or reference sources in accordance with the provisions of (d) and (e) of this subsection to any person who holds a specific license issued by the department which authorizes that person to receive, possess, use and transfer radioactive material.

(d) The general licenses in (a), (b) and (c) of this subsection apply only to calibration or reference sources which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the United States Nuclear Regulatory Commission pursuant to Section 32.57 of 10 CFR Part 32 or Section 70.39 of 10 CFR Part 70 or which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer by the department or any agreement state or licensing state pursuant to licensing requirements equivalent to those contained in Section 32.57 of 10 CFR Part 32 or Section 70.39 of 10 CFR Part 70 of the regulations of the United States Nuclear Regulatory Commission.

(e) The general licenses provided in (a), (b) and (c) of this subsection are subject to the provisions of WAC 246-220-020, 246-220-030, 246-220-040, 246-220-060, 246-220-070, 246-220-100, 246-232-050, 246-232-070, 246-232-080, 246-232-090, chapters 246-221 and 246-222 WAC.

In addition, persons who own, receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to these general licenses:

(i) Shall not possess at any one time, at any one location of storage or use, more than 5 microcuries of Americium-241 and 5 microcuries of plutonium and 5 microcuries of Radium-226 in such sources;

(ii) Shall not receive, possess, use or transfer such source unless the source, or the storage container, bears a label which includes one of the following statements or a substantially similar statement which contains the information called for in the following statement:

(A) The receipt, possession, use and transfer of this source, Model, Serial No., are subject to a general license and the regulations of the United States Nuclear Regulatory Commission or of a state with which the commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS (AMERICIUM-241). (PLUTONIUM)*. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE

.....
Name of manufacturer or importer

*Note: Showing only the name of the appropriate material.

(B) The receipt, possession, use and transfer of this source, Model, Serial No., are subject to a general license and the regulations of any licensing state. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS RADIUM-226. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

.....
Name of manufacturer or importer

(iii) Shall not transfer, abandon, or dispose of such source except by transfer to a person authorized by a license from the department, the United States Nuclear Regulatory Commission, or an agreement state or licensing state to receive the source;

(iv) Shall store such source, except when the source is being used, in a closed container adequately designed and constructed to contain Americium-241, Plutonium, or Radium-226/Radon-222 which might otherwise escape during storage; and

(v) Shall not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(f) These general licenses do not authorize the manufacture of calibration or reference sources containing Americium-241, Plutonium, or Radium-226.

(8) *General license for use of radioactive material for certain in vitro clinical or laboratory testing.**

(a) A general license is hereby issued to any physician, veterinarian, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with the provisions of or use, for any of the following stated tests, in accordance with the provisions of (b), (c), (d), (e), and (f) of this subsection the following radioactive materials in prepackaged units:

(i) Iodine-125, in units not exceeding 10 microcuries each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(ii) Iodine-131, in units not exceeding 10 microcuries each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(iii) Carbon-14, in units not exceeding 10 microcuries each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(iv) Hydrogen-3 (tritium), in units not exceeding 50 microcuries each for use in *in vitro* clinical or laboratory tests

PERMANENT

not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(v) Iron-59, in units not exceeding 20 microcuries each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(vi) Cobalt-57, in units not exceeding 10 microcuries each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(vii) Selenium-75, in units not to exceed 10 microcuries each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(viii) Mock Iodine-125 reference or calibration sources, in units not exceeding 0.05 microcurie of Iodine-129 and 0.005 microcurie of Americium-241 each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

*Note: The new drug provisions of the Federal Food, Drug and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.

(b) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by (a) of this subsection until that person has received a validated copy of department Form RHF-15 "Certificate-in vitro testing with radioactive material under general license." Annual validation requires resubmittal of revised department Form RHF-15 and submittal of the annual fee to the department. The physician, veterinarian, clinical laboratory or hospital shall furnish on department Form RHF-15 the following information and such other information as may be required by that form:

(i) Name and address of the physician, veterinarian, clinical laboratory or hospital;

(ii) The location of use; and

(iii) A statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out *in vitro* clinical or laboratory tests with radioactive material as authorized under the general license in (a) of this subsection and that such tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.

(c) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by (a) of this subsection shall comply with the following:

(i) The general licensee shall not possess at any one time, pursuant to the general license in (a) of this subsection at any one location of storage or use, a total amount of Iodine-125, Iodine-131, Selenium-75, Iron-59, and/or Cobalt-57 in excess of 200 microcuries.

(ii) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.

(iii) The general licensee shall use the radioactive material only for the uses authorized by (a) of this subsection.

(iv) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the department, the United States Nuclear Regulatory Commission, any agreement state or licensing state, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.

(v) The general licensee shall dispose of the Mock Iodine-125 reference or calibration sources described in (a)(viii) of this subsection as required by WAC 246-221-170.

(d) The general licensee shall not receive, acquire, possess, or use radioactive material pursuant to (a) of this subsection:

(i) Except as prepackaged units which are labeled in accordance with the provision of an applicable specific license issued pursuant to WAC ((~~246-235-100(8))~~) 246-235-097 or in accordance with the provisions of a specific license issued by the United States Nuclear Regulatory Commission, or any agreement state or licensing state which authorizes the manufacture and distribution of Iodine-125, Iodine-131, Carbon-14, Hydrogen-3 (tritium), Iron-59, Selenium-75, Cobalt-57, or Mock Iodine-125 to persons generally licensed under this subsection or its equivalent; and

(ii) Unless one of the following statements, as appropriate, or a substantially similar statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for *in vitro* clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the United States Nuclear Regulatory Commission or of a state with which the commission has entered into an agreement for the exercise of regulatory authority.

.....
Name of manufacturer

This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for *in vitro* clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a licensing state.

.....
Name of manufacturer

(e) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the

PERMANENT

general license of (a) of this subsection shall report in writing to the department, any changes in the information previously furnished in the "Certificate - *in vitro* testing with radioactive material under general license," department Form RHF-15. The report shall be furnished within thirty days after the effective date of such change.

(f) This general license is subject to the provisions of WAC 246-220-020, 246-220-030, 246-220-040, 246-220-060, 246-220-070, 246-220-090 and 246-220-100. In addition, any person using radioactive material pursuant to the general license of (a) of this subsection is exempt from the requirements of chapters 246-221 and 246-222 WAC with respect to radioactive material covered by that general license, except that such persons using the Mock Iodine-125 described in (a)(viii) of this subsection shall comply with the provisions of WAC 246-221-170, 246-221-240, and 246-221-250 and of these regulations.

(9) **Ice detection devices.**

(a) A general license is hereby issued to own, receive, acquire, possess, use and transfer Strontium-90 contained in ice detection devices, provided each device contains not more than 50 microcuries of Strontium-90 and each device has been manufactured or imported in accordance with a specific license issued by the United States Nuclear Regulatory Commission or each device has been manufactured in accordance with the specifications contained in a specific license issued by the department or any agreement state to the manufacturer of such device pursuant to licensing requirements equivalent to those in Section 32.61 of 10 CFR Part 32 of the regulations of the United States Nuclear Regulatory Commission.

(b) Persons who own, receive, acquire, possess, use or transfer Strontium-90 contained in ice detection devices pursuant to the general license in (a) of this subsection:

(i) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage and repaired by a person holding a specific license from the United States Nuclear Regulatory Commission or an agreement state to manufacture or service such devices; or shall dispose of the device pursuant to the provisions of these regulations;

(ii) Shall assure that all labels affixed to the device at the time of receipt, and which bear a statement which prohibits removal of the labels, are maintained thereon; and

(iii) Are exempt from the requirements of chapters 246-221 and 246-222 WAC except that such persons shall comply with the provisions of WAC 246-221-170, 246-221-240, and 246-221-250.

(c) This general license does not authorize the manufacture, assembly, disassembly or repair of Strontium-90 sources in ice detection devices.

(d) This general license is subject to the provisions of WAC 246-220-020, 246-220-030, 246-220-040, 246-220-060, 246-220-070, 246-220-100, 246-232-050, 246-232-070, 246-232-080, and 246-232-090.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-235-020 General requirements for the issuance of specific licenses. A license application will be approved if the department determines that:

(1) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety or property;

(2) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property;

(3) The issuance of the license will not be inimical to the health and safety of the public; and

(4) The applicant satisfies any applicable special requirements in WAC (~~246-235-080, 246-235-090, 246-235-095, 246-235-100, and 246-247-050~~) 246-235-075 through 246-235-110, and chapters 246-239 through 246-252 WAC.

(5) In the case of an application for a license to receive and possess radioactive material for commercial waste disposal by land burial, source material milling, or for the conduct of any other activity which the agency determines will significantly affect the quality of the environment, the department, before commencement of construction of the plant or facility in which the activity will be conducted, has concluded, after independently weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. Commencement of construction prior to such conclusion shall be grounds for denial of a license to receive and possess radioactive material in such plant or facility. As used in this paragraph the term "commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the environment of a site. The term does not mean site exploration, necessary borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the site or the protection of environmental values.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-235-080 Special requirements for issuance of certain specific licenses for radioactive material. (1) *Human use of radioactive material in institutions.* In addition to the requirements set forth in WAC 246-235-020 a specific license for human use of radioactive material in institutions will be issued if:

(a) The applicant has appointed a radiation safety committee to coordinate the use of radioactive material throughout that institution and to maintain surveillance over the institution's radiation safety program. Membership of the committee should include a specialist (where applicable a physician) from each department where radioactive material is used, a representative of the institution's management, a

representative of the nursing staff, and a person trained in radiation safety. The radiation safety committee shall meet at ~~((intervals not to exceed six months))~~ least quarterly. Minutes shall be taken and maintained for two years for inspection by the department;

(b) The applicant possesses adequate facilities for the clinical care of patients. The applicant is advised that construction of new radioisotope facilities and modification of existing facilities must also comply with the requirements of WAC 246-318-660 of the construction review section of the department;

(c) The physician(s) designated on the application as the individual user(s) has (or have) substantial experience in the handling and administration of radioactive material and, where applicable, the clinical management of radioactive patients; and

(d) If the application is for a license to use unspecified quantities or multiple types of radioactive material, the applicant's staff has substantial experience in the use of a variety of radioactive materials for a variety of human uses.

(2) *Licensing of individual physicians for human use of radioactive material.* In addition to the requirements set forth in WAC 246-235-020 a specific license for the human use of radioactive material will be issued to an individual physician if:

(a) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable;

(b) The applicant has extensive experience in the handling and administration of radioactive material and, where applicable, the clinical management of radioactive patients;

(c) The application is for use in the applicant's practice in an office outside a medical institution; and

(d) The department will approve an application by an individual physician or group of physicians for a specific license to receive, possess or use radioactive material on the premises of a medical institution only if:

(i) The use of radioactive material is limited to the:

(A) Administration of radiopharmaceuticals for diagnostic or therapeutic purposes;

(B) Performance of diagnostic studies on patients to whom a radiopharmaceutical has been administered;

(C) Performance of in vitro diagnostic studies; or

(D) Calibration and quality control checks of radioactive assay instrumentation, radiation safety instrumentation and diagnostic instrumentation;

(ii) The physician brings the radioactive material with him or her and removes the radioactive material when he or she departs. (The institution cannot receive, possess or store radioactive material other than the amount of material remaining in the patient); and

(iii) The medical institution does not hold a radioactive material license issued pursuant to the provisions of subsection (1) of this section.

(3) *Specific licenses for certain groups of medical uses of radioactive material.*

(a) Subject to the provisions of (b), (c) and (d) of this subsection an application for a specific license pursuant to subsection (1), (2) or (4) of this section, or for any medical use or uses of radioactive material specified in one or more of

Groups I to VI, inclusive, of WAC 246-235-120, Schedule A, will be approved for all of the uses within the group or groups which include the use or uses specified in the application if:

(i) The applicant satisfies the requirements of subsection (1), (2) or (4) of this section;

(ii) The applicant, or the physician designated in the application as the individual user, has adequate clinical experience in the types of uses included in the group or groups;

(iii) The applicant, or the physicians and all other personnel who will be involved in the preparation and use of the radioactive material, have adequate training and experience in the handling of radioactive material appropriate to their participation in the uses included in the group or groups;

(iv) The applicant's radiation detection and measuring instrumentation is adequate for conducting the procedures involved in the uses included in the group or groups, specifically:

(A) For Groups I through V, applicant must possess and use a calibrated and operable low-range survey instrument with a thin window (less than 7 mg/cm²) capable of detecting radiation levels of 0.05 milliroentgen per hour up to at least 20 milliroentgens per hour;

(B) For Groups III, V, and VI, applicant must possess a calibrated and operable high-range survey instrument capable of detecting radiation levels up to at least one Roentgen per hour;

(v) The applicant's radiation safety operating procedures are adequate for handling and disposal of the radioactive material involved in the uses included in the group or groups.

(b) Any licensee or registrant who is authorized to use radioactive material pursuant to one or more groups in (a) of this subsection and WAC 246-235-120, Schedule A, is subject to the following conditions:

(i) For Groups I, II, IV, and V, no licensee or registrant shall receive, possess or use radioactive material except as a radiopharmaceutical manufactured in the form to be administered to the patient, labeled, packaged and distributed in accordance with a specific license issued by the department pursuant to WAC 246-235-100(~~((11))~~), a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.72 of 10 CFR Part 32, or a specific license issued by an agreement state or a licensing state pursuant to equivalent regulations.

(ii) For Group III, no licensee or registrant shall receive, possess or use generators or reagent kits containing radioactive material (~~((or shall use reagent kits that do not contain radioactive material to prepare radiopharmaceuticals containing radioactive material, except:~~

~~((A) Reagent kits not containing radioactive material that are approved by the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state for use by persons licensed pursuant to this subsection and WAC 246-235-120, Schedule A, or equivalent regulations; or~~

~~((B) Generators or reagent kits containing radioactive material that are)) unless manufactured, labeled, packaged and distributed in accordance with a specific license issued by the department pursuant to WAC 246-235-100(~~((11))~~), a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.73 of 10 CFR Part~~

32, or a specific license issued by an agreement state or a licensing state pursuant to equivalent regulations.

(iii) For Group VI, no licensee or registrant shall receive, possess or use radioactive material except as contained in a source or device that has been manufactured, labeled, packaged and distributed in accordance with a specific license issued by the department pursuant to WAC (~~(246-235-100(12))~~) 246-235-102, a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.74 of 10 CFR Part 32, or a specific license issued to the manufacturer by an agreement state or a licensing state pursuant to equivalent regulations.

(iv) For Group III, any licensee or registrant who uses generators or reagent kits shall elute the generator or process radioactive material with the reagent kit in accordance with instructions which are approved by the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state and are furnished by the manufacturer on the label attached to or in the leaflet or brochure which accompanies the generator or reagent kit.

~~((v) For Groups I, II and III any licensee using byproduct material for clinical procedures other than those specified in the product labeling (package insert) shall comply with the product labeling regarding:~~

~~(A) Chemical and physical form;~~

~~(B) Route of administration; and~~

~~(C) Dosage range.)~~

(c) Any licensee who is licensed pursuant to (a) of this subsection for one or more of the medical use groups in WAC 246-235-120, Schedule A, also is authorized, subject to the provisions of (c) and (d) of this subsection to receive, possess and use for calibration and reference standards:

(i) Any radioactive material authorized for use (~~((IND/NDA products))~~) under Group I, Group II, or Group III of WAC 246—235-120, Schedule A, with a half-life not longer than one hundred days, in amounts not to exceed 15 millicuries total;

(ii) Any radioactive material authorized for use (~~((IND/NDA products))~~) under Group I, Group II, or Group III of WAC 246-235-120, Schedule A, with half-life greater than one hundred days in amounts not to exceed 200 microcuries total;

(iii) Technetium-99m in amounts not to exceed ~~((30))~~ 50 millicuries;

(iv) Any radioactive material excluding Radium-226, in amounts not to exceed ~~((three))~~ fifteen millicuries per sealed source (~~((except Cobalt-57, which may be possessed in amounts not to exceed 5.5 millicuries))~~), contained in calibration or reference sources that have been manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the department pursuant to WAC (~~(246-235-100(11))~~) 246-235-102, a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.74 of 10 CFR Part 32, or a specific license issued to the manufacturer by an agreement state or a licensing state pursuant to equivalent regulations.

(d) Leak tests.

(i) Any licensee or registrant who possesses sealed sources as calibration or reference sources pursuant to (c) of this subsection shall cause each sealed source containing

radioactive material, other than Hydrogen-3, with a half-life greater than thirty days in any form other than gas to be tested for leakage and/or contamination at intervals not to exceed six months. In the absence of a certificate from a transferor indicating that a test has been made within six months prior to the transfer, the sealed sources shall not be used until tested: *Provided, however,* That no leak tests are required when:

(A) The source contains 100 microcuries or less of beta and/or gamma emitting material or 10 microcuries or less of alpha emitting material;

(B) The sealed source is stored and is not being used: *Provided,* That a physical inventory of the source and wipe surveys of the storage area or storage container are conducted.

(ii) The leak test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. The test sample shall be taken from the sealed source or from the surfaces of the device in which the sealed source is mounted or stored on which contamination might be expected to accumulate. Records of leak test results shall be kept in units of microcuries and maintained for inspection by the department.

(iii) If the leak test reveals the presence of 0.005 microcurie or more of removable contamination, the licensee or registrant shall immediately withdraw the sealed source from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with chapters 246-235 and 246-221 WAC. A report shall be filed within five days of the test with the department describing the equipment involved, the test results, and the corrective action taken.

(e) Any licensee or registrant who possesses and uses calibration and reference sources pursuant to (c)(iv) of this subsection shall:

(i) Follow the radiation safety and handling instructions approved by the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state and furnished by the manufacturer on the label attached to the source, or permanent container thereof, or in the leaflet or brochure that accompanies the source, and maintain such instruction in a legible and conveniently available form; and

(ii) Conduct a quarterly physical inventory to account for all sources received and possessed. Records of the inventories shall be maintained for inspection by the department and shall include at a minimum the quantities and kinds of radioactive material, location of sources, name of person performing the inventory, and the date of the inventory.

(4) *Human use of sealed sources.* In addition to the requirements set forth in WAC 246-235-020, a specific license for human use of sealed sources will be issued only if the applicant or, if the application is made by an institution, the individual user:

(a) Has specialized training in the diagnostic or therapeutic use of the sealed source considered, or has experience equivalent to such training; and

(b) Is a physician.

(5) *Use of sealed sources in industrial radiography.* In addition to the requirements set forth in WAC 246-235-020, a specific license for use of sealed sources in industrial radiography will be issued if:

(a) The applicant will have an adequate program for training radiographers and radiographer's assistants and submits to the department a schedule or description of such program which specifies the:

- (i) Initial training;
- (ii) Periodic training;
- (iii) On-the-job training;

(iv) Means to be used by the licensee to determine the radiographer's knowledge and understanding of and ability to comply with department regulations and licensing requirements, and the operating and emergency procedures of the applicant; and

(v) Means to be used by the licensee to determine the radiographer's assistant's knowledge and understanding of and ability to comply with the operating and emergency procedures of the applicant;

(b) The applicant submits to the department and complies with satisfactory written operating and emergency procedures (described in WAC 246-243-140);

(c) The applicant will have a quarterly internal inspection system, to assure that license provisions, regulations, and the applicant's operating and emergency procedures are followed by radiographers and radiographer's assistants. Records of this management control program shall be maintained for two years;

(d) The applicant submits to the department a description of the applicant's overall organizational structure pertaining to the industrial radiography program, including specified delegations of authority and responsibility for operation of the program;

(e) The applicant who desires to conduct leak tests has established adequate procedures to be followed in leak testing sealed sources for possible leakage and contamination and submits to the department a description of such procedures including:

- (i) Instrumentation to be used;
- (ii) Method of performing tests, e.g., points on equipment to be smeared and method of taking smear; and
- (iii) Pertinent experience of the person who will perform the tests;

(f) The licensee shall conduct a program for inspection and maintenance of radiographic exposure devices and storage containers to assure proper functioning of components important to safety.

(6) *Environmentally significant licensing actions.* In addition to the requirements set forth in WAC 246-235-020, a specific license for any activity within the licensing authority of the department which the department determines will significantly affect the radiological quality of the human environment, including those specified in WAC 197-11-845(1) and 246-03-030 (1)(a)(ii) (i.e., licenses to operate low level waste burial facilities or licenses to operate or expand beyond the design capacity, mineral processing facilities or their tailings areas, whose products, or byproducts, have concentrations of naturally occurring radioactive material in excess of exempt concentrations as specified in WAC 246-232-130, Schedule C), will be issued if the following conditions are met:

- (a) Environmental impact statement.

(i) The application for a license or license amendment (other than administrative amendments) is accompanied or preceded by a final environmental impact statement or final declaration of nonsignificance completed in accordance with the State Environmental Policy Act (SEPA) procedures and guidelines specified in chapters 197-11 and 246-03 WAC. For any uranium or thorium mill in operation on or before the effective date of this regulation for which an environmental impact statement has not been prepared previously, an application for license renewal must be accompanied or preceded by a final environmental impact statement or final declaration of nonsignificance completed in accordance with SEPA guidelines.

Note: No construction shall be commenced until the license has been issued or unless an emergency exemption from SEPA requirements is granted in accordance with WAC 197-11-880. For the purposes of this subsection, the term "commencement of construction" means any clearing of land, excavation or other substantial action related to a proposed activity for specific licensing that would adversely affect the natural environment of a site; this term does not include changes desirable for the temporary use of the land for public recreational use, limited borings to determine site characteristics as necessary for environmental assessment, or other preconstruction monitoring to establish background information related to suitability of a site or to the protection of environmental values. In the case where an exemption is granted, the applicant shall assume all financial risk for construction activity; waive any claim of entitlement to the issuance of a license based solely upon the grant of the exemption or the commencement of construction pursuant thereto; and furnish, if the circumstances warrant and the department so requires, a financial surety arrangement to insure the protection of the public health, safety and the environment in the event of abandonment, default, or inability of the license applicant to meet the requirements of the act or these regulations.

(ii) In addition to the information required in chapter 197-11 WAC, the following additional areas shall be addressed in the final environmental impact statement:

(A) Alternative sites to those chosen by the applicant shall include all alternative sites, whether or not those sites are under the control or ownership of the applicant.

(B) Long term impacts shall include, but not be limited to, decommissioning, decontamination, reclamation impacts and material management associated with the proposed activities.

(C) Environmental reviews, dose assessments, ecology, construction effects on biota, impact on the environment from the use of chemicals, and socioeconomic effects shall be addressed.

(D) Alternative disposal sites and techniques for disposal shall be evaluated to determine if a site or technique is clearly superior.

(b) For uranium or thorium milling operations, a bond made payable to the department of health or other acceptable government agency, and in an amount specified by the department, shall be posted to ensure the protection of the public health and safety in the event of abandonment, default or other inability of the licensee to meet the requirements for reclamation and disposal of tailings and for decommissioning the site. The bond, or a copy thereof when the bond is made payable to another government agency, shall be received by the department prior to issuance of the license, or prior to license renewal for mills in operation on or before the effective date of this regulation.

tive date of this regulation. Other acceptable surety arrangements in addition to surety bonding include cash deposits, certificates of deposit, deposits of government securities, letters or lines of credit or combinations of the foregoing. The amount and mechanism of the surety arrangement may be reviewed by the department preceding each license renewal and adjustments may be required of the licensee prior to such renewal.

(c) The owner of the proposed uranium or thorium mill and tailings site(s) agrees to transfer or revert to the appropriate state or federal agency upon termination of the license, all lands, buildings and grounds, and any interest therein, necessary to fulfill the purposes of this subsection, except where the lands are held in trust for, or are owned by any Indian tribe. For any uranium or thorium mill in operation on or before the effective date of this regulation, such an agreement will be required prior to license renewal.

(d) For all uranium and thorium milling operations, the owner or operator shall arrange to pay to the department or its designee a fee in accordance with WAC 246-254-150 for a special security fund for the further maintenance, surveillance or care which may be required after a licensee has ceased to operate.

A minimum fund of two hundred fifty thousand dollars shall be provided by the licensee payable to the state. If a shortfall exists between the amount of money in the special security fund and the two hundred fifty thousand dollars minimum amount, a surety bond, or other acceptable surety instrument as defined above shall be arranged.

(e) The application for a license includes a description of an appropriate program for effluent monitoring, environmental monitoring and data reporting. Such description shall encompass locations, frequency, and types of sampling, analytical plans and procedures, minimum detection levels, sampling equipment and quality assurance programs.

(f) All licensees or registrants required to meet the additional requirements set forth in this subsection shall establish environmental monitoring programs adequate to determine the impact of their activity on the natural environment around the site of their environmentally significant activity. The established environmental and effluent monitoring program shall address all environmentally significant radionuclide releases and external radiation sources caused or threatened to be caused by the licensee's activities.

(i) Effluent and environmental monitoring results shall include the following minimum information as pertinent:

(A) Information as to flow rates, total volume of effluent, peak concentration, concentration of each radionuclide in the effluent averaged over a period of one year at the point where the effluent leaves a stack, tube, pipe, or similar conduit;

(B) A description of the properties of the effluents, including:

(I) Chemical composition;

(II) Physical characteristics, including suspended solids content in liquid effluents, and nature of gas aerosol for air effluents;

(III) The hydrogen ion concentrations (pH) of liquid effluents; and

(IV) The size range of particulates in effluent released into air;

(C) A description of the anticipated human occupancy in the unrestricted area where the highest concentration of radioactive material from the effluent is expected, and, in the case of a river stream a description of water uses downstream from the point of release of the effluent.

(D) Information as to the highest concentration of each radionuclide in an unrestricted area, including anticipated concentrations averaged over a period of one year:

(I) In air at any point of human occupancy; or

(II) In water at points of use downstream from the point of release of the effluent;

(E) The background concentration of radionuclides in the receiving river or stream prior to the release of liquid effluent;

(F) A description of the waste treatment facilities and procedures used to reduce the concentration of radionuclides in effluents prior to their release;

(G) A written description of sampling techniques and sample analysis methods;

(H) A written description of how all calculated results were obtained from sample analysis data. This explanation shall include example calculations and estimates of the precision and sensitivity of monitoring results;

(I) A written description of the licensee's quality control program including specification of control samples and standard samples used.

(ii) The licensee shall submit in writing to the department within sixty days after January 1 and July 1 of each year, reports specifying the quantities of each of the principle radionuclides released to unrestricted areas in liquid and in gaseous effluent during the previous six months of operations. This data shall be reported in a manner that will permit the department to confirm the potential annual radiation doses to the public. All data from the radiological and nonradiological environmental monitoring program will also be submitted for the same time period and frequency as specified above. The data shall be reported in a manner which will allow the department to confirm the potential annual radiation doses to the public.

(g) For land disposal of radioactive material, the provisions of chapter 246-250 WAC must also be met.

(h) For operation of mineral processing facilities, the provisions of chapter 246-252 WAC must also be met.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-235-090 Special requirements for specific licenses of broad scope. This section prescribes requirements for the issuance of specific licenses of broad scope for radioactive material ("broad licenses") and certain regulations governing holders of such licenses.*

*Note: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity or other product containing source material or byproduct material whose subsequent possession, use, transfer and disposal by all other persons who are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, D.C. 20555.

(1) *The different types of broad licenses are set forth below:*

(a) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of the radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in the millicurie range.

(b) A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in WAC 246-235-140 Schedule B, for any authorized purpose. The possession limit for a Type B broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in WAC 246-235-140 Schedule B, Column I. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in WAC 246-235-140 Schedule B, Column I, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(c) A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in WAC 246-235-140 Schedule B, for any authorized purpose. The possession limit for a Type C broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in WAC 246-235-140 Schedule B, Column II. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide determine the ratio of the quantity possessed to the applicable quantity specified in WAC 246-235-140 Schedule B, Column II, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(2) *An application for a Type A specific license of broad scope will be approved if:*

(a) The applicant satisfies the general requirements specified in WAC 246-235-020.

(b) The applicant has engaged in a reasonable number of activities involving the use of radioactive material; and

(c) The applicant has established administrative controls and provisions relating to organization and management, procedures, recordkeeping, material control and accounting, and management review that are necessary to assure safe operations, including:

(i) The establishment of a radiation safety committee composed of such persons as a radiation safety officer, a representative of management, and persons trained and experienced in the safe use of radioactive material;

(ii) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(iii) The establishment of appropriate administrative procedures to assure:

(A) Control of procurement and use of radioactive material;

(B) Completion of safety evaluation of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and

(C) Review, approval, and recording by the radiation safety committee of safety evaluation of proposed uses prepared in accordance with item (2)(c)(iii)(B) of this section prior to use of the radioactive material.

(3) *An application for a Type B specific license of broad scope will be approved if:*

(a) The applicant satisfies the general requirements specified in WAC 246-235-020; and

(b) The applicant has established administrative controls and provisions relating to organization and management, procedures, recordkeeping, material control and accounting, and management review that are necessary to assure safe operations, including:

(i) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(ii) The establishment of appropriate administrative procedures to assure:

(A) Control of procurement and use of radioactive material;

(B) Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and

(C) Review, approval, and recording by the radiation safety officer of safety evaluations of proposed uses prepared in accordance with item (3)(b)(ii)(B) of this section prior to use of the radioactive material.

(4) *An application for a Type C specific license of broad scope will be approved if:*

(a) The applicant satisfies the general requirements specified in WAC 246-235-020.

(b) The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of individuals, who have received:

(i) A college degree at the bachelor level, or equivalent training and experience, in the physical or biological sciences or in engineering; and

(ii) At least forty hours of training and experience in the safe handling of radioactive material, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation, and biological hazards of exposure to radiation appropriate to the type and forms of radioactive material to be used; and

(c) The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, recordkeeping, material control and accounting, and management review necessary to assure safe operations.

(5) *Specific licenses of broad scope are subject to the following conditions:*

(a) Unless specifically authorized by the department, persons licensed pursuant to this section shall not:

(i) Conduct tracer studies in the environment involving direct release of radioactive material;

(ii) Receive, acquire, own, possess, use or transfer devices containing 100,000 curies or more of radioactive material in sealed sources used for irradiation of materials;

(iii) Conduct activities for which a specific license issued by the department under WAC 246-235-080 or (~~246-235-100~~) 246-235-091 through 246-235-105 is required; or

(iv) Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug or other product designed for ingestion or inhalation by, or application to, a human being.

(b) Each Type A specific license of broad scope issued under this part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety committee.

(c) Each Type B specific license of broad scope issued under this part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety officer.

(d) Each Type C specific license of broad scope issued under this part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of subsection (4) of this section.

NEW SECTION

WAC 246-235-091 Manufacture and distribution of industrial products containing depleted uranium under general license. (1) An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to WAC 246-233-010(4) or equivalent regulations of the United States Nuclear Regulatory Commission or an agreement state will be approved if:

(a) The applicant satisfies the general requirements specified in WAC 246-235-020;

(b) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to provide reasonable assurance that possession, use or transfer of the depleted uranium in the product or device is not likely to cause any individual to receive in one year a radiation dose in excess of ten percent of the limits specified in WAC 246-221-010(1); and

(c) The applicant submits sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass-volume application in the product or device to provide reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or device.

(2) In the case of an industrial product or device whose unique benefits are questionable, the department will approve an application for a specific license under this section only if the product or device is found to combine a high degree of

utility and low probability of uncontrolled disposal and dispersal of significant quantities of depleted uranium into the environment.

(3) The department may deny any application for a specific license under this section if the end use(s) of the industrial product or device cannot be reasonably foreseen.

(4) Each person licensed pursuant to subsection (1) of this section shall:

(a) Maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;

(b) Label or mark each unit to:

(i) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium, and the quantity of depleted uranium in each product or device; and

(ii) State that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of the United States Nuclear Regulatory Commission or of an agreement state;

(c) Assure that the depleted uranium before being installed in each product or device has been impressed with the following legend clearly legible through any plating or other covering: "Depleted uranium";

(d) Furnish to each person to whom depleted uranium in a product or device is transferred for use pursuant to the general license contained in WAC 246-233-010(4) or its equivalent:

(i) A copy of the general license contained in WAC 246-233-010(4) and a copy of department Form RHF-20; or

(ii) A copy of the general license contained in the United States Nuclear Regulatory Commission's or agreement state's regulation equivalent to WAC 246-233-010(4) and a copy of the United States Nuclear Regulatory Commission's or agreement state's certificate, or alternatively, furnish a copy of the general license contained in WAC 246-233-010(4) and a copy of department Form RHF-20 with a note explaining that use of the product or device is regulated by the United States Nuclear Regulatory Commission or an agreement state under requirements substantially the same as those in WAC 246-233-010(4).

(e) Report to the department all transfers of industrial products or devices to persons for use under the general license in WAC 246-233-010(4). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within thirty days after the end of each calendar quarter in which such a product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under chapter 246-233 WAC during the reporting period, the report shall so indicate;

(f) Provide certain other reports as follows:

(i) Report to the United States Nuclear Regulatory Commission all transfers of industrial products or devices to per-

sons for use under the United States Nuclear Regulatory Commission general license in Section 40.25 of 10 CFR Part 40;

(ii) Report to the responsible department all transfers of devices manufactured and distributed pursuant to this section for use under a general license in that state's regulations equivalent to WAC 246-233-010(4);

(iii) Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of the device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within thirty days after the end of each calendar quarter in which such product or device is transferred to the generally licensed person;

(iv) If no transfers have been made to United States Nuclear Regulatory Commission licensees during the reporting period, this information shall be reported to the United States Nuclear Regulatory Commission;

(v) If no transfers have been made to general licensees within a particular agreement state during the reporting period, this information shall be reported to the responsible department; and

(g) Keep records showing the name, address and point of contact for each general licensee to whom the person transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in WAC 246-233-010(4) or equivalent regulations of the United States Nuclear Regulatory Commission or of an agreement state. The records shall be maintained for a period of two years and shall show the date of each transfer, the quantity of depleted uranium in each product or device transferred, and compliance with the report requirements of this section.

NEW SECTION

WAC 246-235-093 Manufacture, assembly or distribution of devices under general license. (1) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under WAC 246-233-020(4) or equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state will be approved if:

(a) The applicant satisfies the general requirements of WAC 246-235-020;

(b) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance that:

(i) The device can be safely operated by persons not having training in radiological protection;

(ii) Under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device, and it is unlikely that any person will receive in one year a dose in excess of ten percent of the limits specified in the table in WAC 246-221-010(1); and

(iii) Under accident conditions (such as fire and explosion) associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:

- Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye 15 rems
- Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than one square centimeter 200 rems
- Other organs 50 rems

(c) Each device bears a durable, legible, clearly visible label or labels approved by the department, which contain in a clearly identified and separate statement:

(i) Instructions and precautions necessary to assure safe installation, operation and servicing of the device (documents such as operating and service manuals may be identified in the label and used to provide this information);

(ii) The requirement, or lack of requirement, for leak testing, or for testing any on-off mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by isotope, quantity of radioactivity, and date of determination of the quantity; and

(iii) The information called for in one of the following statements, as appropriate, in the same or substantially similar form:

(A) The receipt, possession, use and transfer of this device, Model, Serial No. Note*, are subject to a general license or the equivalent, and the regulations of the United States Nuclear Regulatory Commission or a state with which the United States Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION - RADIOACTIVE MATERIAL

.....
(Name of manufacturer or distributor)*

(B) The receipt, possession, use and transfer of this device, Model, Serial No. Note*, are subject to a general license or the equivalent, and the regulations of a licensing state. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION - RADIOACTIVE MATERIAL

.....
(Name of manufacturer or distributor)*

*Note: The model, serial number, and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

(2) In the event the applicant desires that the device be required to be tested at intervals longer than six months, either for proper operation of the on-off mechanism and indicator, if any, or for leakage of radioactive material or for both, the applicant shall include in the application sufficient information to demonstrate that such longer interval is justifi-



fied by performance characteristics of the device or similar devices and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the department will consider information which includes, but is not limited to:

- (a) Primary containment (source capsule);
- (b) Protection of primary containment;
- (c) Method of sealing containment;
- (d) Containment construction materials;
- (e) Form of contained radioactive material;
- (f) Maximum temperature withstood during prototype tests;
- (g) Maximum pressure withstood during prototype tests;
- (h) Maximum quantity of contained radioactive material;
- (i) Radiotoxicity of contained radioactive material; and
- (j) Operating experience with identical devices or similarly designed and constructed devices.

(3) In the event the applicant desires that the general licensee under WAC 246-233-020(4), or under equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on-off mechanism and indicator, or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities, and bases for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive in one year a radiation dose in excess of ten percent of the limits specified in the table in WAC 246-221-010(1).

(4) Each person licensed under subsection (1) of this section to distribute devices to generally licensed persons shall:

(a) Furnish a copy of the general license contained in WAC 246-233-020(4) to each person to whom the person directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license contained in WAC 246-233-020(4);

(b) Furnish a copy of the general license contained in the United States Nuclear Regulatory Commission's, agreement state's, or licensing state's regulation equivalent to WAC 246-233-020(4), or alternatively, furnish a copy of the general license contained in WAC 246-233-020(4) to each person to whom, directly or through an intermediate person, is transferred radioactive material in a device for use pursuant to the general license of the United States Nuclear Regulatory Commission, the agreement state or the licensing state. If a copy of the general license in WAC 246-233-020(4) is furnished to such a person, it shall be accompanied by a note explaining that the use of the device is regulated by the United States Nuclear Regulatory Commission, agreement state or licensing state under requirements substantially the same as those in WAC 246-233-020(4);

(c) Report to the department all transfers of such devices to persons for use under the general license in WAC 246-233-020(4). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. If no transfers have been made to persons generally licensed under WAC 246-233-020(4) during the reporting period, the report shall so indicate. The report shall cover each calendar quarter and shall be filed within thirty days thereafter.

(d) Reports to other departments.

(i) Report to the United States Nuclear Regulatory Commission all transfers of such devices to persons for use under the United States Nuclear Regulatory Commission general license in Section 31.5 of 10 CFR Part 31.

(ii) Report to the responsible department all transfers of devices manufactured and distributed pursuant to this section for use under a general license in that state's regulations equivalent to WAC 246-233-020(4).

(iii) Such reports shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model of the device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. The report shall be submitted within thirty days after the end of each calendar quarter in which such a device is transferred to the generally licensed person.

(iv) If no transfers have been made to United States Nuclear Regulatory Commission licensees during the reporting period, this information shall be reported to the United States Nuclear Regulatory Commission.

(v) If no transfers have been made to general licensees within a particular state during the reporting period, this information shall be reported to the responsible department upon request of the department.

(e) Keep records showing the name, address and the point of contact for each general licensee to whom the person directly or through an intermediate person transfers radioactive material in devices for use pursuant to the general license provided in WAC 246-233-020(4), or equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state. The records shall show the date of each transfer, the radionuclide and the quantity of radioactivity in each device transferred, the identity of any intermediate person, and compliance with the report requirements of subsection (4) of this section.

NEW SECTION

WAC 246-235-095 Manufacture, assembly, or distribution of luminous safety devices, certain calibration sources or ice detectors under general license. (1) *Special requirements for the manufacture, assembly or repair of luminous safety devices for use in aircraft.* An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium-147 for use in aircraft for distribution to persons generally licensed under WAC 246-233-020(5) will be approved subject to the following conditions:

(a) The applicant satisfies the general requirements specified in WAC 246-235-020; and

(b) The applicant satisfies the requirements of Sections 32.53, 32.54, 32.55, 32.56, 32.101 of 10 CFR Part 32 or their equivalent.

(2) *Special requirements for license to manufacture calibration sources containing americium-241, plutonium or radium-226 for distribution to persons generally licensed under WAC 246-233-020(7).* An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium or radium-226 to persons generally licensed under WAC 246-233-020(7) will be approved subject to the following conditions:

(a) The applicant satisfies the general requirement of WAC 246-235-020; and

(b) The applicant satisfies the requirements of Sections 32.57, 32.58, 32.59, 32.102 of 10 CFR Part 32 and Section 70.39 of 10 CFR Part 70 or their equivalent.

(3) *Licensing the manufacture and distribution of ice detection devices.* An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under WAC 246-233-020(9) will be approved subject to the following conditions:

(a) The applicant satisfies the general requirements of WAC 246-235-020; and

(b) The criteria of Sections 32.61, 32.62, 32.103 of 10 CFR Part 32 are met.

NEW SECTION

WAC 246-235-097 Manufacture and distribution of radioactive material for certain in vitro clinical or laboratory testing under general license. An application for a specific license to manufacture or distribute radioactive material for use under the general license of WAC 246-233-020(8) will be approved if:

(1) The applicant satisfies the general requirements specified in WAC 246-235-020;

(2) The radioactive material is to be prepared for distribution in prepackaged units of:

(a) Iodine-125 in units not exceeding 10 microcuries each;

(b) Iodine-131 in units not exceeding 10 microcuries each;

(c) Carbon-14 in units not exceeding 10 microcuries each;

(d) Hydrogen-3 (tritium) in units not exceeding 50 microcuries each;

(e) Iron-59 in units not exceeding 20 microcuries each;
(f) Cobalt-57 in units not exceeding 10 microcuries each;
(g) Selenium-75 in units not exceeding 10 microcuries each;

(h) Mock Iodine-125 in units not exceeding 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241 each.

(3) Each prepackaged unit bears a durable, clearly visible label:

(a) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 10 microcuries of iodine-125, iodine-131, carbon-14, cobalt-57, or selenium-75; 50 microcuries of hydrogen-3 (tritium); 20 microcuries of iron-59; or Mock Iodine-125 in units not exceeding 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241 each; and

(b) Displaying the radiation caution symbol described in WAC 246-221-120 (1)(a) and the words, "CAUTION, RADIOACTIVE MATERIAL," and "Not for internal or external use in humans or animals."

(4) One of the following statements, as appropriate, or a substantially similar statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

(a) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for *in vitro* clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the United States Nuclear Regulatory Commission or of a state with which the commission has entered into an agreement for the exercise of regulatory authority.

.....
Name of manufacturer

(b) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for *in vitro* clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a licensing state.

.....
Name of manufacturer

(5) The label affixed to the unit, or the leaflet or brochure which accompanies the package, contains adequate information as to the precautions to be observed in handling and storing such radioactive material. In the case of the Mock Iodine-125 reference or calibration source, the information accompanying the source must also contain directions to the licensee regarding the waste disposal requirements set out in WAC 246-221-170 of these regulations.

PERMANENT

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-235-100 (~~Special requirements for a specific license to manufacture, assemble, repair, or distribute commodities, products, or devices which contain radioactive material.~~) **Manufacture, preparation, or commercial transfer of radiopharmaceuticals for medical use.** (1) (~~Licensing the introduction of radioactive material into products in exempt concentrations. In addition to the requirements set forth in WAC 246-235-020, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another to be transferred to persons exempt under WAC 246-232-010 (2)(a) will be issued if:~~

(a) The applicant submits a description of the product or material into which the radioactive material will be introduced, intended use of the radioactive material and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material, and estimated concentration of the radioactive material in the product or material at the time of transfer; and

(b) The applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in WAC 246-232-130, Schedule C, that reconstruction of the radioactive material in concentrations exceeding those in WAC 246-232-130, Schedule C, is not likely, that use of lower concentrations is not feasible, and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to a human being.

(c) Each person licensed under subsection (1) of this section shall file an annual report with the department which shall identify the type and quantity of each product or material into which radioactive material has been introduced during the reporting period; name and address of the person who owned or possessed the product and material, into which radioactive material has been introduced, at the time of introduction; the type and quantity of radionuclide introduced into each such product or material; and the initial concentrations of the radionuclide in the product or material at time of transfer of radioactive material have been made pursuant to subsection (1) of this section during the reporting period, the report shall so indicate. The report shall cover the year ending June 30, and shall be filed within thirty days thereafter.

(2) *Licensing the distribution of radioactive material in exempt quantities.*^{*}

^{*}Note: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing source material or byproduct material whose subsequent possession, use, transfer and disposal by all other persons who are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, D.C. 20555.

(a) An application for a specific license to distribute naturally occurring and accelerator-produced radioactive material (NARM) to persons exempted from these regulations pursuant to WAC 246-232-010 (2)(b) will be approved if:

(i) The radioactive material is not contained in any food, beverage, cosmetic, drug or other commodity designed for ingestion or inhalation by, or application to, a human being;

(ii) The radioactive material is in the form of processed chemical elements, compounds, or mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources, or similar substances, identified as radioactive and to be used for its radioactive properties, but is not incorporated into any manufactured or assembled commodity, product, or device intended for commercial distribution; and

(iii) The applicant submits copies of prototype labels and brochures and the department approves such labels and brochures.

(b) The license issued under paragraph (2)(a) of this section is subject to the following conditions:

(i) No more than ten exempt quantities shall be sold or transferred in any single transaction. However, an exempt quantity may be composed of fractional parts of one or more of the exempt quantity provided the sum of the fractions shall not exceed unity.

(ii) Each exempt quantity shall be separately and individually packaged. No more than ten such packaged exempt quantities shall be contained in any outer package for transfer to persons exempt pursuant to WAC 246-232-010 (2)(b). The outer package shall be such that the dose rate at the external surface of the package does not exceed 0.5 millirem per hour.

(iii) The immediate container of each quantity or separately packaged fractional quantity of radioactive material shall bear a durable, legible label which:

(A) Identifies the radionuclide and the quantity of radioactivity; and

(B) Bears the words "radioactive material."

(iv) In addition to the labeling information required by item (2)(b)(iii) of this section, the label affixed to the immediate container, or an accompanying brochure, shall:

(A) State that the contents are exempt from licensing state requirements;

(B) Bear the words "Radioactive material—Not for human use—Introduction into foods, beverages, cosmetics, drugs, or medicinals, or into products manufactured for commercial distribution is prohibited—Exempt quantities should not be combined"; and

(C) Set forth appropriate additional radiation safety precautions and instructions relating to the handling, use, storage and disposal of the radioactive material.

(e) Each person licensed under paragraph (2)(a) of this section shall maintain records identifying, by name and address, each person to whom radioactive material is transferred for use under WAC 246-232-010 (2)(b) or the equivalent regulations of a licensing state, and stating the kinds and quantities of radioactive material transferred. An annual summary report stating the total quantity of each radionuclide transferred under the specific license shall be filed with the department. Each report shall cover the year ending June 30, and shall be filed within thirty days thereafter. If no transfers of radioactive material have been made pursuant to subsec-

PERMANENT

tion (2) of this section during the reporting period, the report shall so indicate.

(3) ~~Licensing the incorporation of naturally occurring and accelerator produced radioactive material into gas and aerosol detectors. An application for a specific license authorizing the incorporation of NARM into gas and aerosol detectors to be distributed to persons exempt under WAC 246-232-010 (2)(c)(iii) will be approved if the application satisfies requirements equivalent to those contained in Section 32.26 of 10 CFR Part 32.~~

(4) ~~Licensing the manufacture and distribution of devices to person generally licensed under WAC 246-233-020(4).~~

(a) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under WAC 246-233-020(4) or equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state will be approved if:

(i) The applicant satisfies the general requirements of WAC 246-235-020;

(ii) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance that:

(A) The device can be safely operated by persons not having training in radiological protection;

(B) Under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device, and it is unlikely that any person will receive in any period of one calendar quarter a dose in excess of ten percent of the limits specified in the table in WAC 246-221-010(1); and

(C) Under accident conditions (such as fire and explosion) associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:

Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye	15 rems
Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than one square centimeter	200 rems
Other organs	50 rems

(iii) Each device bears a durable, legible, clearly visible label or labels approved by the department, which contain in a clearly identified and separate statement:

(A) Instructions and precautions necessary to assure safe installation, operation and servicing of the device (documents such as operating and service manuals may be identified in the label and used to provide this information);

(B) The requirement, or lack of requirement, for leak testing, or for testing any on-off mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by isotope, quantity of radioactivity, and date of determination of the quantity; and

(C) The information called for in one of the following statements, as appropriate, in the same or substantially similar form:

(aa) The receipt, possession, use and transfer of this device, Model, Serial No. Note*, are subject to a general license or the equivalent, and the regulations of the United States Nuclear Regulatory Commission or a state with which the United States Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION—RADIOACTIVE MATERIAL

.....
(Name of manufacturer or distributor)*

(bb) The receipt, possession, use and transfer of this device, Model, Serial No. Note*, are subject to a general license or the equivalent, and the regulations of a licensing state. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION—RADIOACTIVE MATERIAL

.....
(Name of manufacturer or distributor)*

*Note: The model, serial number, and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

(b) In the event the applicant desires that the device be required to be tested at intervals longer than six months, either for proper operation of the on-off mechanism and indicator, if any, or for leakage of radioactive material or for both, the applicant shall include in the application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the department will consider information which includes, but is not limited to:

- (i) Primary containment (source capsule);
- (ii) Protection of primary containment;
- (iii) Method of sealing containment;
- (iv) Containment construction materials;
- (v) Form of contained radioactive material;
- (vi) Maximum temperature withstood during prototype tests;
- (vii) Maximum pressure withstood during prototype tests;
- (viii) Maximum quantity of contained radioactive material;
- (ix) Radiotoxicity of contained radioactive material; and
- (x) Operating experience with identical devices or similarly designed and constructed devices.

(c) In the event the applicant desires that the general license under WAC 246-233-020(4), or under equivalent regulations of the United States Nuclear Regulatory Commission,

an agreement state or a licensing state be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on-off mechanism and indicator, or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities, and bases for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a calendar quarter dose in excess of ten percent of the limits specified in the table in WAC 246-221-010(1).

(d) Each person licensed under paragraph (4)(a) of this section to distribute devices to generally licensed persons shall:

(i) Furnish a copy of the general license contained in WAC 246-233-020(4) to each person to whom the person directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license contained in WAC 246-233-020(4);

(ii) Furnish a copy of the general license contained in the United States Nuclear Regulatory Commission's, agreement state's, or licensing state's regulation equivalent to WAC 246-233-020(4), or alternatively, furnish a copy of the general license contained in WAC 246-233-020(4) to each person to whom, directly or through an intermediate person, is transferred radioactive material in a device for use pursuant to the general license of the United States Nuclear Regulatory Commission, the agreement state or the licensing state. If a copy of the general license in WAC 246-233-020(4) is furnished to such a person, it shall be accompanied by a note explaining that the use of the device is regulated by the United States Nuclear Regulatory Commission, agreement state or licensing state under requirements substantially the same as those in WAC 246-233-020(4);

(iii) Report to the department all transfers of such devices to persons for use under the general license in WAC 246-233-020(4). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. If no transfers have been made to persons generally licensed under WAC 246-233-020(4) during the reporting period, the report shall so indicate. The report shall cover each calendar quarter and shall be filed within thirty days thereafter.

(iv) Reports to other departments.

(A) Report to the United States Nuclear Regulatory Commission all transfers of such devices to persons for use under the United States Nuclear Regulatory Commission general license in Section 31.5 of 10 CFR Part 31.

(B) Report to the responsible department all transfers of devices manufactured and distributed pursuant to subsection (4) of this section for use under a general license in that state's regulations equivalent to WAC 246-233-020(4).

(C) Such reports shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model of the device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. The report shall be submitted within thirty days after the end of each calendar quarter in which such a device is transferred to the generally licensed person.

(D) If no transfers have been made to United States Nuclear Regulatory Commission licensees during the reporting period, this information shall be reported to the United States Nuclear Regulatory Commission.

(E) If no transfers have been made to general licensees within a particular state during the reporting period, this information shall be reported to the responsible department upon request of the department.

(v) Keep records showing the name, address and the point of contact for each general licensee to whom the person directly or through an intermediate person transfers radioactive material in devices for use pursuant to the general license provided in WAC 246-233-020(4), or equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state. The records shall show the date of each transfer, the radionuclide and the quantity of radioactivity in each device transferred, the identity of any intermediate person, and compliance with the report requirements of paragraph (4)(d) of this section.

(5) *Special requirements for the manufacture, assembly or repair of luminous safety devices for use in aircraft.* An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium-147 for use in aircraft for distribution to persons generally licensed under WAC 246-233-020(5) will be approved subject to the following conditions:

(a) The applicant satisfies the general requirements specified in WAC 246-235-020; and

(b) The applicant satisfies the requirements of Sections 32.53, 32.54, 32.55, 32.56, 32.101 of 10 CFR Part 32 or their equivalent.

(6) *Special requirements for license to manufacture calibration sources containing americium-241, plutonium or radium-226 for distribution to persons generally licensed under WAC 246-233-020(7).* An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium or radium-226 to persons generally licensed under WAC 246-233-020(7) will be approved subject to the following conditions:

(a) The applicant satisfies the general requirement of WAC 246-235-020; and

(b) The applicant satisfies the requirements of Sections 32.57, 32.58, 32.59, 32.102 of 10 CFR Part 32 and Section 70.39 of 10 CFR Part 70 or their equivalent.

(7) *Manufacture and distribution of radioactive material for certain in vitro clinical or laboratory testing under general license.* An application for a specific license to manufacture or distribute radioactive material for use under the general license of WAC 246-233-020(8) will be approved if:

(a) The applicant satisfies the general requirements specified in WAC 246-235-020;

(b) The radioactive material is to be prepared for distribution in prepackaged units of:

(i) Iodine-125 in units not exceeding 10 microcuries each;

(ii) Iodine-131 in units not exceeding 10 microcuries each;

(iii) Carbon-14 in units not exceeding 10 microcuries each;

(iv) Hydrogen-3 (tritium) in units not exceeding 50 microcuries each;

(v) Iron-59 in units not exceeding 20 microcuries each;

(vi) Cobalt-57 in units not exceeding 10 microcuries each;

(vii) Selenium-75 in units not exceeding 10 microcuries each;

(viii) Mock Iodine-125 in units not exceeding 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241 each;

(c) Each prepackaged unit bears a durable, clearly visible label:

(i) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 10 microcuries of iodine-125, iodine-131, carbon-14, cobalt-57, or selenium-75; 50 microcuries of hydrogen-3 (tritium); 20 microcuries of iron-59; or Mock Iodine-125 in units not exceeding 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241 each; and

(ii) Displaying the radiation caution symbol described in WAC 246-221-120 (1)(a) and the words, "CAUTION, RADIOACTIVE MATERIAL," and "Not for internal or external use in humans or animals."

(d) One of the following statements, as appropriate, or a substantially similar statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

(i) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for *in vitro* clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the United States Nuclear Regulatory Commission or of a state with which the commission has entered into an agreement for the exercise of regulatory authority.

(ii) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for *in vitro* clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a licensing state.

.....
Name of manufacturer

(e) The label affixed to the unit, or the leaflet or brochure which accompanies the package, contains adequate information as to the precautions to be observed in handling and storing such radioactive material. In the case of the Mock Iodine-125 reference or calibration source, the information accompanying the source must also contain directions to the licensee regarding the waste disposal requirements set out in WAC 246-221-170 of these regulations.

(8) *Licensing the manufacture and distribution of ice detection devices.* An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under WAC 246-233-020(9) will be approved subject to the following conditions:

(a) The applicant satisfies the general requirements of WAC 246-235-020; and

(b) The criteria of Sections 32.61, 32.62, 32.103 of 10 CFR Part 32 are met.

(9) *Manufacture and distribution of radiopharmaceuticals containing radioactive material for medical use under group licenses.* An application for a specific license to manufacture and ((distribute)), prepare, or transfer for commercial distribution radiopharmaceuticals containing radioactive material for use by persons licensed pursuant to WAC 246-235-080 (1), (2), or (3) for ((the uses listed in Group I, Group H, Group IV, or Group V of WAC 246-235-120, Schedule A.)) medical use in humans will be approved if:

(a) The applicant satisfies the general requirements specified in WAC 246-235-020 of this part;

(b) The applicant submits evidence that:

(i) ((The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug and Cosmetic Act or the Public Health Service Act, such as a new drug application (NDA) approved by the United States Food and Drug Administration (FDA), a biologic product license issued by FDA or a "notice of claimed investigational exemption for a new drug" (IND) that has been accepted by the FDA; or

(ii) The manufacture, compounding and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug and Cosmetic Act and the Public Health Service Act;)) The applicant is registered or licensed with the U.S. Food and Drug Administration (FDA) as a drug manufacturer; or

(ii) The applicant is licensed as a nuclear pharmacy by the state board of pharmacy;

(c) The applicant submits information on the radionuclide, chemical and physical form, ((packaging including)) maximum activity per ((package)) vial, syringe, generator, or

.....
Name of manufacturer

PERMANENT

other container of the radiopharmaceutical, and shielding provided by the packaging of the radioactive material which is appropriate for safe handling and storage of radiopharmaceuticals by ((group)) medical use licensees; and

(d) ((The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, quantity and date of assay, and the label affixed to each package, or the leaflet or brochure which accompanies each package, contains a statement that the radiopharmaceutical is licensed by the department for distribution to persons licensed pursuant to WAC 246-235-080(3) and 246-235-120 Schedule A, Group I, Group II, Group IV, and Group V, as appropriate, or under equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state.)) The applicant satisfies the labeling requirements specified by the state board of pharmacy in WAC 246-903-020. For a drug manufacturer, the labels((, leaflets or brochures)) required by this subsection ((9) of this section)) are in addition to the labeling required by the Food and Drug Administration (FDA) and ((they)) may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

~~((10) Manufacture and distribution of generators or reagent kits for preparation of radiopharmaceuticals containing radioactive material. An application for a specific license to manufacture and distribute generators or reagent kits containing radioactive material for preparation of radiopharmaceuticals by persons licensed pursuant to WAC 246-235-080(3) for the uses listed in Group III of WAC 246-235-120, Schedule A will be approved if:~~

~~(a) The applicant satisfies the general requirements specified in WAC 246-235-020;~~

~~(b) The applicant submits evidence that:~~

~~(i) The generator or reagent kit is to be manufactured, labeled and packaged in accordance with the Federal Food, Drug and Cosmetic Act or the Public Health Service Act, such as a new drug application (NDA) approved by the Food and Drug Administration (FDA), a biologic product license issued by FDA, or a "Notice of claimed investigational exemption for a new drug" (IND) that has been accepted by the FDA; or~~

~~(ii) The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug and Cosmetic Act and the Public Health Service Act;~~

~~(c) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging of the radioactive material contained in the generator or reagent kit;~~

~~(d) The label affixed to the generator or reagent kit contains information on the radionuclide, quantity, and date of assay; and~~

~~(e) The label affixed to the generator or reagent kit, or the leaflet or brochure which accompanies the generator or reagent kit, contains:~~

~~(i) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit; and~~

~~(ii) A statement that this generator or reagent kit (as appropriate) is approved for use by persons licensed by the department pursuant to WAC 246-235-080(3) and Group III of WAC 246-235-120, Schedule A, or under equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state. The labels, leaflets or brochures required by subsection (10) of this section are in addition to the labeling required by FDA and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.~~

~~Note: Although the department does not regulate the manufacture and distribution of reagent kits that do not contain radioactive material, it does regulate the use of such reagent kits for the preparation of radiopharmaceuticals containing radioactive material as part of its licensing and regulation of the users of radioactive material. Any manufacturer of reagent kits that do not contain radioactive material who desires to have reagent kits approved by the department for use by persons licensed pursuant to WAC 246-235-080(3) and Group III of WAC 246-235-120 Schedule A may submit the pertinent information specified in subsection (10) of this section.~~

~~(11) Manufacture and distribution of sources or devices containing radioactive material for medical use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to WAC 246-235-080(3) for use as a calibration or reference source or for the uses listed in Group VI of WAC 246-235-120 Schedule A of this part will be approved if:~~

~~(a) The applicant satisfies the general requirements in WAC 246-235-020 of this part;~~

~~(b) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:~~

~~(i) The radioactive material contained, its chemical and physical form and amount;~~

~~(ii) Details of design and construction of the source or device;~~

~~(iii) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;~~

~~(iv) For devices containing radioactive material, the radiation profile of a prototype device;~~

~~(v) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;~~

~~(vi) Procedures and standards for calibrating sources and devices;~~

~~(vii) Legend and methods for labeling sources and devices as to their radioactive content; and~~

~~(viii) Instructions for handling and storing the source or device from the radiation safety standpoint, these instructions are to be included on a durable label attached to the source or device or attached to a permanent storage container for the source or device. *Provided*, That instructions which are too lengthy for such label may be summarized on the label and printed in detail on a brochure which is referenced on the label.~~

~~(c) The label affixed to the source or device, or to the permanent storage container for the source or device, con-~~

tains information on the radionuclide, quantity and date of assay, and a statement that the named source or device is licensed by the department for distribution to persons licensed pursuant to WAC 246-235-080(3) and Group VI of WAC 246-235-120 Schedule A or under equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state. *Provided*, That such labeling for sources which do not require long term storage (e.g., gold-198 seeds) may be on a leaflet or brochure which accompanies the source.

(d) In the event the applicant desires that the source or device be required to be tested for leakage of radioactive material at intervals longer than six months, the applicant shall include in the application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source.

(e) In determining the acceptable interval for test of leakage of radioactive material, the department will consider information that includes, but is not limited to:

- (i) Primary containment (source capsule);
- (ii) Protection of primary containment;
- (iii) Method of sealing containment;
- (iv) Containment construction materials;
- (v) Form of contained radioactive material;
- (vi) Maximum temperature withstood during prototype tests;
- (vii) Maximum pressure withstood during prototype tests;
- (viii) Maximum quantity of contained radioactive material;
- (ix) Radiotoxicity of contained radioactive material; and
- (x) Operating experience with identical sources or devices or similarly designed and constructed sources or devices.

(12) *Requirements for license to manufacture and distribute industrial products containing depleted uranium for mass volume applications:*

(a) An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to WAC 246-233-010(4) or equivalent regulations of the United States Nuclear Regulatory Commission or an agreement state will be approved if:

- (i) The applicant satisfies the general requirements specified in WAC 246-235-020;
- (ii) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to provide reasonable assurance that possession, use or transfer of the depleted uranium in the product or device is not likely to cause any individual to receive in any period of one calendar quarter a radiation dose in excess of ten percent of the limits specified in WAC 246-221-010(1); and
- (iii) The applicant submits sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass volume application in the product or device to provide reasonable assurance that unique

benefits will accrue to the public because of the usefulness of the product or device.

(b) In the case of an industrial product or device whose unique benefits are questionable, the department will approve an application for a specific license under subsection (12) of this section only if the product or device is found to combine a high degree of utility and low probability of uncontrolled disposal and dispersal of significant quantities of depleted uranium into the environment.

(c) The department may deny any application for a specific license under subsection (12) of this section if the end use(s) of the industrial product or device cannot be reasonably foreseen.

(d) Each person licensed pursuant to paragraph (12)(a) of this section shall:

(i) Maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;

(ii) Label or mark each unit to:

(A) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium, and the quantity of depleted uranium in each product or device; and

(B) State that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of the United States Nuclear Regulatory Commission or of an agreement state;

(iii) Assure that the depleted uranium before being installed in each product or device has been impressed with the following legend clearly legible through any plating or other covering: "Depleted uranium";

(iv) Furnish to each person to whom depleted uranium in a product or device is transferred for use pursuant to the general license contained in WAC 246-233-010(4) or its equivalent:

(A) A copy of the general license contained in WAC 246-233-010(4) and a copy of department Form RHF 20; or

(B) A copy of the general license contained in the United States Nuclear Regulatory Commission's or agreement state's regulation equivalent to WAC 246-233-010(4) and a copy of the United States Nuclear Regulatory Commission's or agreement state's certificate, or alternatively, furnish a copy of the general license contained in WAC 246-233-010(4) and a copy of department Form RHF 20 with a note explaining that use of the product or device is regulated by the United States Nuclear Regulatory Commission or an agreement state under requirements substantially the same as those in WAC 246-233-010(4).

(v) Report to the department all transfers of industrial products or devices to persons for use under the general license in WAC 246-233-010(4). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within thirty days after the end of each calendar quarter in which such a product or device is

transferred to the generally licensed person. If no transfers have been made to persons generally licensed under chapter 246-233 WAC during the reporting period, the report shall so indicate;

(vi) Provide certain other reports as follows:

(A) Report to the United States Nuclear Regulatory Commission all transfers of industrial products or devices to persons for use under the United States Nuclear Regulatory Commission general license in Section 40.25 of 10 CFR Part 40;

(B) Report to the responsible department all transfers of devices manufactured and distributed pursuant to subsection (12) of this section for use under a general license in that state's regulations equivalent to WAC 246-233-010(4);

(C) Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of the device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within thirty days after the end of each calendar quarter in which such product or device is transferred to the generally licensed person;

(D) If no transfers have been made to United States Nuclear Regulatory Commission licensees during the reporting period, this information shall be reported to the United States Nuclear Regulatory Commission;

(E) If no transfers have been made to general licensees within a particular agreement state during the reporting period, this information shall be reported to the responsible department; and

(vii) Keep records showing the name, address and point of contact for each general licensee to whom the person transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in WAC 246-233-010(4) or equivalent regulations of the United States Nuclear Regulatory Commission or of an agreement state. The records shall be maintained for a period of two years and shall show the date of each transfer, the quantity of depleted uranium in each product or device transferred, and compliance with the report requirements of this section.) (2) A nuclear pharmacy licensee:

(a) May prepare radiopharmaceuticals for medical use provided the radiopharmaceutical is prepared by or under the supervision of an authorized nuclear pharmacist.

(b) May allow a pharmacist to work as an authorized nuclear pharmacist if this individual meets the state board of pharmacy requirements in WAC 246-903-030, Nuclear pharmacists.

(c) Shall provide to the department a copy of each individual's letter of notification from the state board of pharmacy recognizing the individual as a nuclear pharmacist, no later than thirty days after the date the licensee allows the individual to work as an authorized nuclear pharmacist pursuant to (b) of this subsection.

(3) A manufacturer or nuclear pharmacy licensee shall possess and use instrumentation to measure the radioactivity of radiopharmaceuticals. The licensee shall have procedures for use of the instrumentation. The licensee shall measure, by direct measurement or by combination of measurements and

calculations, the amount of radioactivity in dosages of alpha-, beta-, or photon-emitting radiopharmaceuticals, prior to transfer for commercial distribution. In addition, the licensee shall:

(a) Perform tests before initial use, periodically, and following repair, on each instrument for accuracy, linearity, and geometry dependence, as appropriate for the use of the instrument; and make adjustments when necessary; and

(b) Check each instrument for constancy and proper operation at the beginning of each day of use.

(4) Nothing in this section relieves the licensee from complying with applicable FDA, other Federal, and State requirements governing radiopharmaceuticals.

NEW SECTION

WAC 246-235-102 Manufacture and distribution of sources or devices containing radioactive material for medical use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to WAC 246-235-080(3) for use as a calibration or reference source or for the uses listed in Group VI of WAC 246-235-120 Schedule A of this part will be approved if:

(1) The applicant satisfies the general requirements in WAC 246-235-020 of this part;

(2) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

(a) The radioactive material contained, its chemical and physical form and amount;

(b) Details of design and construction of the source or device;

(c) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;

(d) For devices containing radioactive material, the radiation profile of a prototype device;

(e) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;

(f) Procedures and standards for calibrating sources and devices;

(g) Legend and methods for labeling sources and devices as to their radioactive content; and

(h) Instructions for handling and storing the source or device from the radiation safety standpoint, these instructions are to be included on a durable label attached to the source or device or attached to a permanent storage container for the source or device: *Provided*, That instructions which are too lengthy for such label may be summarized on the label and printed in detail on a brochure which is referenced on the label.

(3) The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, quantity and date of assay, and a statement that the named source or device is licensed by the department for distribution to persons licensed pursuant to WAC 246-235-080(3) and Group VI of

WAC 246-235-120 Schedule A or under equivalent regulations of the United States Nuclear Regulatory Commission, an agreement state or a licensing state: *Provided*, That such labeling for sources which do not require long term storage (e.g., gold-198 seeds) may be on a leaflet or brochure which accompanies the source.

(4) In the event the applicant desires that the source or device be required to be tested for leakage of radioactive material at intervals longer than six months, the applicant shall include in the application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source.

(5) In determining the acceptable interval for test of leakage of radioactive material, the department will consider information that includes, but is not limited to:

- (a) Primary containment (source capsule);
- (b) Protection of primary containment;
- (c) Method of sealing containment;
- (d) Containment construction materials;
- (e) Form of contained radioactive material;
- (f) Maximum temperature withstood during prototype tests;
- (g) Maximum pressure withstood during prototype tests;
- (h) Maximum quantity of contained radioactive material;
- (i) Radiotoxicity of contained radioactive material; and
- (j) Operating experience with identical sources or devices or similarly designed and constructed sources or devices.

NEW SECTION

WAC 246-235-105 Manufacture, assembly or distribution of radioactive material exempt from regulation.

(1) *Licensing the introduction of radioactive material into products in exempt concentrations.* In addition to the requirements set forth in WAC 246-235-020, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another to be transferred to persons exempt under WAC 246-232-010 (2)(a) will be issued if:

(a) The applicant submits a description of the product or material into which the radioactive material will be introduced, intended use of the radioactive material and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material, and estimated concentration of the radioactive material in the product or material at the time of transfer; and

(b) The applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in WAC 246-232-130, Schedule C, that reconstruction of the radioactive material in concentrations exceeding those in WAC 246-232-130, Schedule C, is not likely, that use of lower concentrations is

not feasible, and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to a human being.

(c) Each person licensed under subsection (1) of this section shall file an annual report with the department which shall identify the type and quantity of each product or material into which radioactive material has been introduced during the reporting period; name and address of the person who owned or possessed the product and material, into which radioactive material has been introduced, at the time of introduction; the type and quantity of radionuclide introduced into each such product or material; and the initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee. If no transfers of radioactive material have been made pursuant to subsection (1) of this section during the reporting period, the report shall so indicate. The report shall cover the year ending June 30, and shall be filed within thirty days thereafter.

(2) Licensing the distribution of certain radioactive material in exempt quantities.*

*Note: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing source material or byproduct material whose subsequent possession, use, transfer and disposal by all other persons who are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, D.C. 20555.

(a) An application for a specific license to distribute naturally occurring and accelerator-produced radioactive material (NARM) to persons exempted from these regulations pursuant to WAC 246-232-010 (2)(b) will be approved if:

(i) The radioactive material is not contained in any food, beverage, cosmetic, drug or other commodity designed for ingestion or inhalation by, or application to, a human being;

(ii) The radioactive material is in the form of processed chemical elements, compounds, or mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources, or similar substances, identified as radioactive and to be used for its radioactive properties, but is not incorporated into any manufactured or assembled commodity, product, or device intended for commercial distribution; and

(iii) The applicant submits copies of prototype labels and brochures and the department approves such labels and brochures.

(b) The license issued under paragraph (2)(a) of this section is subject to the following conditions:

(i) No more than ten exempt quantities shall be sold or transferred in any single transaction. However, an exempt quantity may be composed of fractional parts of one or more of the exempt quantity provided the sum of the fractions shall not exceed unity.

(ii) Each exempt quantity shall be separately and individually packaged. No more than ten such packaged exempt quantities shall be contained in any outer package for transfer to persons exempt pursuant to WAC 246-232-010 (2)(b). The outer package shall be such that the dose rate at the external surface of the package does not exceed 0.5 millirem per hour.

(iii) The immediate container of each quantity or separately packaged fractional quantity of radioactive material shall bear a durable, legible label which:

(A) Identifies the radionuclide and the quantity of radioactivity; and

(B) Bears the words "radioactive material."

(iv) In addition to the labeling information required by item (2)(b)(iii) of this section, the label affixed to the immediate container, or an accompanying brochure, shall:

(A) State that the contents are exempt from licensing state requirements;

(B) Bear the words "Radioactive material—Not for human use—Introduction into foods, beverages, cosmetics, drugs, or medicinals, or into products manufactured for commercial distribution is prohibited—Exempt quantities should not be combined"; and

(C) Set forth appropriate additional radiation safety precautions and instructions relating to the handling, use, storage and disposal of the radioactive material.

(c) Each person licensed under paragraph (2)(a) of this section shall maintain records identifying, by name and address, each person to whom radioactive material is transferred for use under WAC 246-232-010 (2)(b) or the equivalent regulations of a licensing state, and stating the kinds and quantities of radioactive material transferred. An annual summary report stating the total quantity of each radionuclide transferred under the specific license shall be filed with the department. Each report shall cover the year ending June 30, and shall be filed within thirty days thereafter. If no transfers of radioactive material have been made pursuant to subsection (2) of this section during the reporting period, the report shall so indicate.

(3) *Licensing the incorporation of naturally occurring and accelerator-produced radioactive material into gas and aerosol detectors.* An application for a specific license authorizing the incorporation of NARM into gas and aerosol detectors to be distributed to persons exempt under WAC 246-232-010 (2)(c)(iii) will be approved if the application satisfies requirements equivalent to those contained in Section 32.26 of 10 CFR Part 32.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-235-120 Schedule A groups of medical uses of radioactive material (ref. WAC 246-235-080(3) and 246-235-100(9)). (1) *Group I.* Use of prepared radiopharmaceuticals for certain diagnostic studies involving measurements of uptake, dilution and excretion. This group does not include imaging or localization studies.

(a) Any radioactive material in a radiopharmaceutical and for a diagnostic use involving measurements of uptake, dilution or excretion (~~for which a "Notice of claimed investigational exemption for a new drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New drug application" (NDA) is in effect~~) obtained from a manufacturer or preparer licensed pursuant to WAC 246-235-100, 10 CFR 32.72 or equivalent regulation of an agreement state or licensing state; or prepared by an authorized nuclear pharmacist, a physician who is an authorized

user for this group of medical uses, or an individual under the supervision of either as permitted by statute.

(b) The provisions of (a) of this subsection notwithstanding, no radioactive material in gaseous form or for use as an aerosol is permitted by this subsection except as specifically authorized in a license.

(2) *Group II.* Use of prepared radiopharmaceuticals for diagnostic imaging and localization studies.

(a) Any radioactive material in a radiopharmaceutical and for a diagnostic use involving imaging or localizing (~~for which a "Notice of claimed investigational exemption for a new drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New drug application" (NDA) is in effect~~) obtained from a manufacturer or preparer licensed pursuant to WAC 246-235-100, 10 CFR 32.72 or equivalent regulation of an agreement state or licensing state; or prepared by an authorized nuclear pharmacist, a physician who is an authorized user for this group of medical uses, or an individual under the supervision of either as permitted by statute;

(b) The provisions of (a) of this subsection notwithstanding, no radioactive material in gaseous form or for use as an aerosol is permitted by this subsection except as specifically authorized by a license or subsection (3)(b) of this section.

(3) *Group III.* Use of generators and reagent kits for the preparation and use of radiopharmaceuticals containing radioactive material for diagnostic imaging and localization studies.

(a) Any generator or reagent kit for preparation and diagnostic use of a radiopharmaceutical containing radioactive material (~~for which generator or reagent kit a "Notice of claimed investigational exemption of a new drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New drug application" (NDA) is in effect~~) obtained from a manufacturer or preparer licensed pursuant to WAC 246-235-100, 10 CFR 32.72 or equivalent regulation of an agreement state or licensing state; or prepared by an authorized nuclear pharmacist, a physician who is an authorized user for this group of medical uses, or an individual under the supervision of either as permitted by statute.

(b) The provisions of (a) of this subsection notwithstanding, no generator or reagent kit is authorized for preparation of any gaseous form or aerosol of a radioactive material, except Technetium-99m as sodium pentetate as an aerosol for pulmonary function studies when used only with an approved and shielded delivery system, and disposed in accordance with applicable requirements, or as specifically authorized in a license.

(4) *Group IV.* Use of prepared radiopharmaceuticals for certain therapeutic uses that do not normally require hospitalization for purposes of radiation safety.

(a) Iodine-131 as iodide for treatment of hyperthyroidism and cardiac dysfunction;

(b) Phosphorus-32 as soluble phosphate for treatment of polycythemia vera, leukemia and bone metastases;

(c) Phosphorus-32 as colloidal chromic phosphate for intracavitary treatment of malignant effusions;

(d) Any radioactive material in a radiopharmaceutical and for a therapeutic use not normally requiring hospitalization for purposes of radiation safety (~~for which a "Notice of~~

claimed investigational exemption for a new drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New drug application" (NDA) is in effect)) obtained from a manufacturer or preparer licensed pursuant to WAC 246-235-100, 10 CFR 32.72 or equivalent regulation of an agreement state or licensing state; or prepared by an authorized nuclear pharmacist, a physician who is an authorized user for this group of medical uses, or an individual under the supervision of either as permitted by statute.

(5) *Group V.* Use of prepared radiopharmaceuticals for certain therapeutic uses that normally require hospitalization for purposes of radiation safety.

(a) Gold-198 as colloid for intracavitary treatment of malignant effusions;

(b) Iodine-131 as iodide for treatment of thyroid carcinoma;

(c) Any radioactive material in a radiopharmaceutical and for a therapeutic use normally requiring hospitalization for radiation safety reasons ~~((for which a "Notice of claimed investigational exemption for a new drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New drug application" (NDA) is in effect))~~ obtained from a manufacturer or preparer licensed pursuant to WAC 246-235-100, 10 CFR 32.72 or equivalent regulation of an agreement state or licensing state; or prepared by an authorized nuclear pharmacist, a physician who is an authorized user for this group of medical uses, or an individual under the supervision of either as permitted by statute.

(6) *Group VI.* Use of sources and devices containing radioactive material for certain medical uses.

(a) Americium-241 as a sealed source in a device for bone mineral analysis;

(b) Cesium-137 encased in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer;

(c) Cobalt-60 encased in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer;

(d) Gold-198 as seeds for interstitial treatment of cancer;

(e) Iodine-125 as a sealed source in a device for bone mineral analysis;

(f) Gadolinium-153 as a sealed source in a device for bone mineral analysis;

(g) Iridium-192 as seeds encased in nylon ribbon for interstitial treatment of cancer;

(h) Strontium-90 sealed in an applicator for treatment of superficial eye conditions; and

(i) Iodine-125 as seeds for interstitial treatment of cancer.

AMENDATORY SECTION (Amending Order 245, filed 2/21/92, effective 3/23/92)

WAC 246-239-010 Definitions. (1) "Authorized nuclear pharmacist" means a pharmacist who is identified as an authorized nuclear pharmacist on a department license that authorizes the use of radioactive material in the practice of nuclear pharmacy.

(2) "Authorized user" means a physician who is identified as an authorized user on a department, U.S. Nuclear Regulatory Commission or agreement state license that authorizes the medical use of radioactive material.

(3) "Diagnostic clinical procedures manual" means a collection of written procedures that describes each method (and other instructions and precautions) by which the licensee performs diagnostic clinical procedures; where each diagnostic clinical procedure has been approved by the authorized user and includes the radiopharmaceutical, dosage, and route of administration.

~~((2))~~ (4) "Medical use" means the intentional internal or external administration of radioactive material or the radiation therefrom to patients or human research subjects under the supervision of an authorized user.

(5) "Nuclear medicine" means the intentional internal or external administration of unsealed radioactive material to human beings.

~~((3))~~ (6) "Nuclear medicine technologist" means any individual who performs nuclear medical procedures under the supervision of a physician licensed pursuant to chapter 246-235 WAC.

~~((4))~~ (7) "Prescribed dosage" means the quantity of radiopharmaceutical activity as documented:

(a) In a written directive; or

(b) Either in the diagnostic clinical procedures manual or in any appropriate record in accordance with the directions of the authorized user for diagnostic procedures.

~~((5))~~ (8) "Radiopharmaceutical misadministration" means the administration of:

(a) A radiopharmaceutical dosage greater than 30 microcuries of sodium iodide I-125 or I-131:

(i) Involving the wrong ~~((patient))~~ individual or wrong radiopharmaceutical; or

(ii) When both the administered dosage differs from the prescribed dosage by more than twenty percent of the prescribed dosage, and the difference between the administered dosage and prescribed dosage exceeds 30 microcuries;

(b) A therapeutic radiopharmaceutical dosage, other than sodium iodide I-125 or I-131:

(i) Involving the wrong ~~((patient))~~ individual, wrong radiopharmaceutical, or wrong route of administration; or

(ii) When the administered dosage differs from the prescribed dosage by more than twenty percent of the prescribed dosage;

(c) A diagnostic radiopharmaceutical dosage, other than quantities greater than 30 microcuries of sodium iodide I-125 or I-131, both:

(i) Involving the wrong ~~((patient))~~ individual, wrong radiopharmaceutical, wrong route of administration, or when the administered dosage differs from the prescribed dosage; and

(ii) When the dose to the ~~((patient))~~ individual exceeds 5 rems effective dose equivalent or 50 rems dose equivalent to any individual organ.

~~((6))~~ (9) "Recordable event" means the administration of:

(a) A radiopharmaceutical without a written directive where a written directive is required;

(b) A radiopharmaceutical where a written directive is required without daily recording of each administered radiopharmaceutical dosage in the appropriate record;

(c) A radiopharmaceutical dosage greater than 30 microcuries of either sodium iodide I-125 or I-131 when both:

(i) The administered dosage differs from the prescribed dosage by more than 10 percent of the prescribed dosage; and

(ii) The difference between the administered dosage and prescribed dosage exceeds 15 microcuries;

(d) A therapeutic radiopharmaceutical dosage, other than sodium iodide I-125 or I-131, when the administered dosage differs from the prescribed dosage by more than 10 percent of the prescribed dosage.

(10) "Training" means instruction or experience acquired under the direct supervision of a physician, a certified/registered nuclear medicine technologist, and/or a qualified expert who has the necessary knowledge and training to advise personnel on radiation protection.

~~((7))~~ (11) "Written directive" means an order in writing for a specific patient or human research subject, dated and signed by an authorized user prior to the administration of a radiopharmaceutical, containing the following information:

(a) For any administration of quantities greater than 30 microcuries of sodium iodide I-125 or I-131: The dosage;

(b) For a therapeutic administration of a radiopharmaceutical other than sodium iodide I-125 or I-131: The radiopharmaceutical, dosage, and route of administration.

AMENDATORY SECTION (Amending WSR 94-06-017, filed 2/22/94, effective 3/25/94)

WAC 246-239-022 Policy and procedures for radiopharmaceutical administration. (1) Each licensee shall establish and maintain a written program to provide assurance that radioactive material or radiation from radioactive material will be administered as directed by the authorized user ordering the administration. The program must include written policies and procedures to meet the following specific objectives:

(a) That, prior to administration, a written directive is prepared for:

(i) Any administration of quantities greater than 30 microcuries of sodium iodide I-131; or

(ii) Any therapeutic administration of a radiopharmaceutical, other than sodium iodide I-131. A written revision to an existing written directive may be made for any diagnostic or therapeutic procedure provided the revision is dated and signed by the authorized user prior to the administration of the radiopharmaceutical or radiobiologic dosage. If a delay would jeopardize the patient's health, and the authorized user is not personally assaying and administering the dose, an oral directive or revision to an existing written directive will be acceptable, provided the oral revision is documented immediately in the patient's chart or record, and the revised written directive is signed by the authorized user within forty-eight hours of the oral revision;

Note: A written directive is not required when an authorized user personally assays and administers a dosage provided the pertinent facts are documented as otherwise required.

(b) That, prior to each administration, the patient's identity is verified by more than one method as the individual named in the written directive;

(c) That each administration is in accordance with the written directive; and

(d) That any unintended deviation from the written directive is identified and evaluated, and appropriate action is taken.

(2) The licensee shall:

(a) Develop procedures for and conduct a review of the radiopharmaceutical administration program including, since the last review, an evaluation of:

(i) A representative sample of patient and human research subject administrations;

(ii) All recordable events; and

(iii) All misadministrations to verify compliance with all aspects of the radiopharmaceutical administration program; these reviews shall be conducted at intervals no greater than twelve months;

(b) Evaluate each of these reviews to determine the effectiveness of the radiopharmaceutical administration program and, if required, make modifications to meet the objectives of subsection (1) of this section; and

(c) Retain records of each review, including the evaluations and findings of the review, in an auditable form for three years.

(3) The licensee shall evaluate and respond, within thirty days after discovery of the recordable event, to each recordable event by:

(a) Assembling the relevant facts including the cause;

(b) Identifying what, if any, corrective action is required to prevent recurrence; and

(c) Retaining a record, in an auditable form, for three years, of the relevant facts and what corrective action, if any, was taken.

~~((3))~~ (4) The licensee shall retain:

(a) Each written directive (provided, however, that such written directive is not required if the dose is both personally assayed and administered by the authorized user); and

(b) A record of each administered radiation dose or radiopharmaceutical dosage where a written directive is required in subsection (1)(a) of this section, in an auditable form, for three years after the date of administration.

~~((4))~~ (5) The licensee may make modifications to the program to increase the program's efficiency provided the program's effectiveness is not decreased.

AMENDATORY SECTION (Amending Order 245, filed 2/21/92, effective 3/23/92)

WAC 246-239-025 Notifications, records, and reports of radiopharmaceutical misadministrations. (1) The licensee shall notify the department by telephone at (206) 682-5327 no later than the next calendar day after the discovery of a radiopharmaceutical misadministration.

(2) The licensee also shall notify the referring physician and the ~~((patient or the patient's))~~ individual receiving the radiopharmaceutical misadministration (or the individual's responsible relative or guardian ((hereinafter referred to as "the patient"))) of the radiopharmaceutical misadministration not later than twenty-four hours after its discovery, unless the referring physician personally informs the licensee either that the physician will inform the ~~((patient))~~ individual or that,

based on medical judgment, telling the ~~((patient)) individual~~ would be harmful. The licensee is not required to notify the ~~((patient)) individual~~ without first consulting the referring physician. If the referring physician or ~~((patient)) individual receiving the radiopharmaceutical misadministration~~ cannot be reached within twenty-four hours, the licensee shall notify the ~~((patient)) individual~~ as soon as possible thereafter. The licensee may not delay any appropriate medical care for the ~~((patient)) individual~~, including any necessary remedial care as a result of the radiopharmaceutical misadministration, because of any delay in notification.

(3) The licensee shall submit a written report to the department within fifteen days after discovery of the radiopharmaceutical misadministration. The written report must include the licensee's name; the prescribing physician's name; a brief description of the event; why the event occurred; the effect on the ~~((patient)) individual who received the radiopharmaceutical misadministration~~; what improvements are needed to prevent recurrence; actions taken to prevent recurrence; whether the licensee notified the ~~((patient)) individual~~, and if not, why not, and if ~~((the patient was notified)) there was notification~~, what information was provided ~~((to the patient))~~. The report shall not include the ~~((patient's)) individual's name or other ((identifying)) information that could lead to identification of the individual. To meet the requirements of this section, the notification of the individual receiving the radiopharmaceutical misadministration may be made instead to that individual's responsible relative or guardian, when appropriate.~~

(4) If the ~~((patient)) individual~~ was notified, the licensee shall also furnish, within fifteen days after discovery of the radiopharmaceutical misadministration, a written report to the ~~((patient)) individual~~ by sending either:

(a) A copy of the report that was submitted to the department; or

(b) A brief description of both the radiopharmaceutical misadministration and the consequences, as they may affect the ~~((patient)) individual~~, and a statement informing the ~~((patient)) individual~~ that the report submitted to the department can be obtained from the licensee.

(5) Each licensee shall retain a record of each radiopharmaceutical misadministration for five years. The record shall contain the names of all individuals involved (including the prescribing physician, allied health personnel, the ((patient)) individual who received the radiopharmaceutical misadministration, and the ((patient's)) individual's referring physician, if applicable), the ~~((patient's)) individual's~~ Social Security number or identification number if one has been assigned, a brief description of the radiopharmaceutical misadministration, why it occurred, the effect on the ~~((patient)) individual~~, ~~((what)) improvements ((are)) needed to prevent recurrence, and the actions taken to prevent recurrence.~~

(6) Aside from the notification requirement, nothing in this section affects any rights or duties of licensees and physicians in relation to each other, ~~((patients, or the patient's)) to individuals receiving radiopharmaceutical misadministrations, or to that individual's responsible relatives or guardians.~~

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-239-040 Radiopharmaceuticals. (1) Radioactive material to be administered to humans shall be ~~((the subject of an FDA-approved "new drug application" (NDA) or an FDA-accepted "notice of claimed investigational exemption for a new drug" (IND), unless otherwise stated in the license))~~ obtained from a manufacturer or preparer licensed pursuant to WAC 246-235-100, 10 CFR 32.72 or equivalent regulation of an agreement state or licensing state; or prepared by an authorized nuclear pharmacist, a physician who is an authorized user for the radioactive material to be administered, or an individual under the supervision of either as permitted by statute.

(2) ~~((Any licensee using radioactive material for clinical procedures other than those specified in the product labeling (package insert) shall comply with the product labeling regarding:~~

(a) Chemical and physical form;

(b) Route of administration; and

(c) Dosage range.

(3) ~~No licensee shall receive, possess, or use radioactive material as a radiopharmaceutical except when it has been:~~

(a) ~~Manufactured in the form to be administered to the patient, and labeled, packaged, and distributed, in accordance with a specific license; or~~

(b) ~~Prepared from reagent kits and/or radionuclide generators approved in accordance with WAC 246-235-080 (3)(b) and 246-235-100(10).~~

(4)) The provisions of this part notwithstanding:

(a) No radioactive material in gaseous form or for use as an aerosol is permitted except Technetium-99m pentetate used as an aerosol for lung function studies, or as specifically authorized by license condition. Radioactive aerosols must be administered with a closed, shielded system that either is vented to the outside atmosphere through an air exhaust or provides for collection and disposal of the aerosol; and

(b) No generator or reagent kit is authorized for preparation of any gaseous form or aerosol of the radioactive material, except as specifically authorized by license condition.

~~((5)) (3)~~ Radioactive material to be administered to humans shall be assayed for activity to determine the dose within ten percent accuracy of the prescribed dose prior to being administered to patients.

(a) In the absence of a certificate from a supplier which specifies the activity of each dose, the license shall establish written procedures for the personnel to perform assays to an accuracy of ten percent of the prescribed dose prior to being administered to patients.

(b) The licensee shall maintain for inspection by the department, records of the results of each assay performed to determine the activity of each dose administered to a patient. Records shall be maintained for two years following performance of each assay.

NEW SECTION

WAC 246-239-055 Release of individuals containing radiopharmaceuticals. (1) The licensee may authorize the

release from its control of any individual who has been administered radiopharmaceuticals if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 5 millisieverts (0.5 rem).

(2) The licensee shall provide the released individual with instructions, including written instructions, on actions recommended to maintain doses to other individuals as low as is reasonably achievable if the total effective dose equivalent to any other individual is likely to exceed 1 millisievert (0.1 rem). If the dose to a breast-feeding infant or child could exceed 1 millisievert (0.1 rem) assuming there were no interruption of breast-feeding, the instructions shall also include:

(a) Guidance on the interruption or discontinuation of breast-feeding; and

(b) Information on the consequences of failure to follow the guidance.

(3) The licensee shall maintain a record of the basis for authorizing the release of an individual, for three years after the date of release, if the total effective dose equivalent is calculated by:

(a) Using the retained activity rather than the activity administered;

(b) Using an occupancy factor less than 0.25 at 1 meter;

(c) Using the biological or effective half-life; or

(d) Considering the shielding by tissue.

(4) The licensee shall maintain a record, for three years after the date of release, that instructions were provided to a breast-feeding woman if the radiation dose to the infant or child from continued breast-feeding could result in a total effective dose equivalent exceeding 5 millisieverts (0.5 rem).

AMENDATORY SECTION (Amending Order 245, filed 2/21/92, effective 3/23/92)

WAC 246-240-010 Definitions. As used in this chapter, the following definitions apply:

(1) "Authorized user" means a physician who is identified as an authorized user on a department, U.S. Nuclear Regulatory Commission or agreement state license that authorizes the medical use of radioactive material.

(2) "Brachytherapy" means a method of radiation therapy in which sealed sources are utilized to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitary, or interstitial application.

~~((2))~~ (3) "Medical use" means the intentional internal or external administration of radioactive material or the radiation therefrom to patients or human research subjects under the supervision of an authorized user.

(4) "Prescribed dose" means:

(a) For gamma stereotactic radiosurgery, the total dose as documented in the written directive;

(b) For teletherapy, the total dose and dose per fraction as documented in the written directive; or

(c) For brachytherapy, either the total source strength and exposure time, or the total dose, as documented in the written directive.

~~((3))~~ (5) "Recordable therapy event" means the administration of:

(a) Radiation without a written directive where a written directive is required;

(b) Radiation where a written directive is required without daily recording of each radiation dose in the appropriate record;

(c) A teletherapy radiation dose when the calculated weekly administered dose exceeds the weekly prescribed dose by fifteen percent or more of the weekly prescribed dose; or

(d) A brachytherapy radiation dose when the calculated administered dose differs from the prescribed dose by more than ten percent of the prescribed dose.

(6) "Teletherapy" means therapeutic irradiation in which the source of radiation is at a distance from the body.

~~((4))~~ (7) "Therapy misadministration" means the administration of:

(a) A gamma stereotactic radiosurgery radiation dose:

(i) Involving the wrong ~~((patient))~~ individual or wrong treatment site; or

(ii) When the calculated total administered dose differs from the total prescribed dose by more than ten percent of the total prescribed dose;

(b) A teletherapy radiation dose:

(i) Involving the wrong ~~((patient))~~ individual, wrong mode of treatment, or wrong treatment site;

(ii) When the treatment consists of three or fewer fractions and the calculated total administered dose differs from the total prescribed dose by more than ten percent of the total prescribed dose;

(iii) When the calculated weekly administered dose ~~((is))~~ exceeds the weekly prescribed dose by thirty percent ~~((greater than))~~ or more of the weekly prescribed dose; or

(iv) When the calculated total administered dose differs from the total prescribed dose by more than twenty percent of the total prescribed dose;

(c) A brachytherapy radiation dose:

(i) Involving the wrong ~~((patient))~~ individual, wrong radioisotope, or wrong treatment site (excluding, for permanent implants, seeds that were implanted in the correct site but migrated outside the treatment site);

(ii) Involving a sealed source that is leaking;

(iii) When, for a temporary implant, one or more sealed sources are not removed upon completion of the procedure; or

(iv) When the calculated administered dose to the treatment site differs from the prescribed dose by more than twenty percent of the prescribed dose.

~~((5))~~ (8) "Written directive" means an order in writing for a specific patient or human research subject, dated and signed by an authorized user prior to the administration of radiation, except as specified in (d) of this subsection, containing the following information:

(a) For gamma stereotactic radiosurgery: Target coordinates, collimator size, plug pattern, and total dose;

(b) For teletherapy: The total dose, dose per fraction, treatment site, and overall treatment period;

(c) For high-dose-rate remote after loading brachytherapy: The radioisotope, treatment site, and total dose; or

(d) For all other brachytherapy, (i) prior to implantation: The radioisotope, number of sources, and source strengths;

and (ii) after implantation but prior to completion of the procedure: The radioisotope, treatment site, and total source strength and exposure time (or, equivalently, the total dose).

AMENDATORY SECTION (Amending WSR 95-01-108, filed 12/21/94, effective 1/21/95)

WAC 246-240-015 Policy and procedures for therapy administration. (1) Each licensee shall establish and maintain a written program to provide assurance that radioactive material or radiation from radioactive material will be administered as directed by the authorized user. The program must include written policies and procedures to meet the following specific objectives:

(a) That, prior to administration, a written directive is prepared for:

- (i) Any teletherapy radiation dose;
- (ii) Any gamma stereotactic radiosurgery radiation dose;

or

(iii) Any brachytherapy radiation dose. A written revision to an existing written directive may be made for any therapeutic procedure provided the revision is dated and signed by the authorized user prior to the administration of radioactive material or radiation from radioactive material for that therapeutic use. If a delay would jeopardize the patient's health, and the authorized user is not personally present to administer the dose, an oral directive or oral revision to an existing written directive by the authorized user will be acceptable provided the oral directive or oral revision is documented immediately in the patient's chart or record, and the revised written directive is signed by the authorized user within forty-eight hours of the oral revision. Note: A written directive is not required when an authorized user personally assays and administers a dosage, provided the pertinent facts are documented as otherwise required;

(b) That, prior to each administration, the patient's identity is verified by more than one method as the individual named in the written directive;

(c) That final plans of treatment and related calculations for brachytherapy, teletherapy, and gamma stereotactic radiosurgery are in accordance with the respective written directives;

(d) That each administration is in accordance with the written directive; and

(e) That any unintended deviation from the written directive is identified and evaluated, and appropriate action is taken.

(2) The licensee shall:

(a) Develop procedures for and conduct a review of the therapy administration program including, since the last review, an evaluation of:

(i) A representative sample of patient and human research subject administrations;

(ii) All recordable events; and

(iii) All therapy misadministrations to verify compliance with all aspects of the therapy administration program; these reviews shall be conducted at intervals no greater than twelve months;

(b) Evaluate each of these reviews to determine the effectiveness of the therapy administration program and, if

required, make modifications to meet the objectives of subsection (1) of this section; and

(c) Retain records of each review, including the evaluations and findings of the review, in an auditable form for three years.

(3) The licensee shall evaluate and respond, within thirty days after the discovery of the recordable therapy event, to each recordable therapy event by:

(a) Assembling the relevant facts including the cause;

(b) Identifying what, if any, corrective action is required to prevent recurrence; and

(c) Retaining a record, in an auditable form, for three years, of the relevant facts and what corrective action, if any, was taken.

~~((3))~~ (4) The licensee shall retain:

(a) Each written directive (provided, however, that such written directive is not required if the dose is both personally assayed and administered by the authorized user); and

(b) A record of each administered radiation dose where a written directive is required in subsection (1)(a) of this section, in an auditable form for three years after the date of the administration.

~~((4))~~ (5) The licensee may make modifications to the program to increase the program's efficiency provided the program's effectiveness is not decreased.

AMENDATORY SECTION (Amending WSR 94-06-017, filed 2/22/94, effective 3/25/94)

WAC 246-240-020 Interstitial, intracavitary and superficial applications. (1) **Accountability, storage, and handling.**

(a) Except as otherwise specifically authorized by the department, each licensee shall provide accountability of sealed sources and shall keep a record of the issue and return of all sealed sources to their place of storage.

(b) Each licensee shall conduct a quarterly physical inventory to account for all sources and devices received and possessed. Records of the inventories shall be maintained for inspection by the department and shall include the activities, radionuclide(s), and serial numbers of radioactive sources, location of sources and devices, the date of the inventory, and the initials or name of the person performing the inventory.

(c) Each licensee shall follow the radiation safety and handling instructions approved by the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state and furnished by the manufacturer on the label attached to the source, device or permanent container thereof, or in the leaflet or brochure which accompanies the source or device, and maintain such instruction in a legible and conveniently available form.

(d) Each licensee shall assure that sealed therapy sources are not opened/breached, or physically modified while in the licensee's possession unless specifically authorized by license condition.

(2) **Testing sealed sources for leakage and contamination.**

(a) All sealed sources containing more than 100 microcuries (3.7 megabecquerels) of radioactive material with a half-life greater than thirty days, except Iridium-192 seeds

encased in nylon ribbon, shall be tested for contamination and/or leakage at intervals not to exceed six months or at such other intervals as are approved by the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state and described by the manufacturer on the label attached to the source, device, or permanent container thereof, or in the leaflet or brochure which accompanies the source or device. Each source or device shall be so tested prior to its first use unless the supplier furnishes a certificate that the source or device has been so tested within six months prior to the transfer.

(b) Leak tests shall be capable of detecting the presence of 0.005 microcurie (185 becquerels) of radioactive material on the test sample or in the case of radium, the escape of radon at the rate of 0.001 microcurie (37 becquerels) per twenty-four hours. The test sample shall be taken from the source or from the surfaces of the device in which the source is permanently or semipermanently mounted or stored on which one might expect contamination to accumulate. Records of leak test results shall be kept in units of microcuries or becquerels and maintained for inspection by the department.

(c) Any leak test conducted pursuant to (a) of this subsection which reveals the presence of 0.005 microcurie (185 becquerels) or more of removable contamination or in the case of radium, the escape of radon at the rate of 0.001 microcurie (37 becquerels) per twenty-four hours, shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the source from use and cause it to be decontaminated and repaired or to be disposed of in accordance with department regulations. A report shall be filed within five days of the test with the department, describing the equipment involved, the test results, and the corrective action taken.

(3) Radiation surveys.

(a) The maximum exposure rate radiation level at a distance of one meter from the patient in whom brachytherapy sources have been inserted shall be determined by measurement or calculation. This radiation level shall be entered on the patient's chart and other signs as required under subsection (4) of this section.

(b) The exposure rate radiation levels in the patient's room and the surrounding area shall be determined, recorded, and maintained for inspection by the department.

(c) The licensee shall assure that patients treated with Cobalt-60, Cesium-137, Iridium-192, Radium-226, or any other nonpermanent implants, including High Dose Rate (HDR), Medium Dose Rate (MDR), or Low Dose Rate (LDR) therapy systems used on an in-patient or out-patient basis, remain hospitalized until a source count and a radiation survey of the patient and the patient's room confirm that all implants have been removed and are accounted for immediately after removing the last source.

~~((d) Patients administered any therapeutic radiopharmaceutical shall remain hospitalized until the residual activity is 30 millicuries (1110 megabecquerels) or less, OR the measured dose rate from the unshielded patient is less than 5.0 millirem (50 microsieverts) per hour at a distance of one meter.))~~

(4) Signs and records.

(a) In addition to the requirements of WAC 246-221-120, the bed, cubicle, or room of the hospital brachytherapy patient shall be marked with a sign indicating the presence of brachytherapy sources. This sign shall incorporate the radiation symbol and specify the radionuclide, the activity, date, and the individual(s) to contact for radiation safety instructions.

(b) The following information shall be included for the duration of the patient's treatment in the patient's official hospital medical record/chart:

(i) The radionuclide administered, number of sources, activity in millicuries or becquerels and time and date of administration;

(ii) The exposure rate at one meter, the time the determination was made, and by whom;

(iii) The radiation symbol; and

(iv) The precautionary instructions necessary to assure that the exposure of individuals does not exceed that permitted under WAC 246-221-010.

(c) Information required by subsection (4)(b)(i) and (ii) of this section shall be retained for review by the department.

(d) A record of the survey conducted to confirm that all sources have been removed from a patient or human research subject prior to release shall be retained for three years. Each record shall include the date of the survey, the name of the patient or human research subject, the dose rate from the patient or human research subject expressed as millirem per hour and measured at one meter from the patient or human research subject, the survey instrument used, and the initials of the individual who made the survey.

NEW SECTION

WAC 246-240-025 Release of individuals containing permanent implants. (1) The licensee may authorize the release from its control of any individual who has permanent implants containing radioactive material if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 5 millisieverts (0.5 rem).

(2) The licensee shall provide the released individual with instructions, including written instructions, on actions recommended to maintain doses to other individuals as low as is reasonably achievable if the total effective dose equivalent to any other individual is likely to exceed 1 millisievert (0.1 rem).

(3) The licensee shall maintain a record of the basis for authorizing the release of an individual, for three years after the date of release, if the total effective dose equivalent is calculated by:

(a) Using an occupancy factor less than 0.25 at 1 meter; or

(b) Considering the shielding by tissue.

AMENDATORY SECTION (Amending Order 245, filed 2/21/92, effective 3/23/92)

WAC 246-240-050 Notifications, records, and reports of therapy misadministrations. (1) The licensee shall notify by telephone the division of radiation protection

at (206) 682-5327 no later than the next calendar day after the discovery of a therapy misadministration.

(2) The licensee also shall notify the referring physician and the ~~((patient or the patient's))~~ individual receiving the therapy misadministration (or the individual's responsible relative or guardian ((hereinafter referred to as "the patient"))) of the therapy misadministration not later than twenty-four hours after its discovery, unless the referring physician personally informs the licensee either that the physician will inform the ~~((patient))~~ individual or that, based on medical judgment, telling the ~~((patient))~~ individual would be harmful. The licensee is not required to notify the ~~((patient))~~ individual without first consulting the referring physician. If the referring physician or ~~((patient))~~ the patient receiving the therapy misadministration cannot be reached within twenty-four hours, the licensee shall notify the ~~((patient))~~ individual as soon as possible thereafter. The licensee may not delay any appropriate medical care for the ~~((patient))~~ individual, including any necessary remedial care as a result of the therapy misadministration, because of any delay in notification.

(3) The licensee shall submit a written report to the department within fifteen days after discovery of the therapy misadministration. The written report must include the licensee's name; the prescribing physician's name; a brief description of the therapy misadministration; why it occurred; the effect on the ~~((patient))~~ individual; what improvements are needed to prevent recurrence; actions taken to prevent recurrence; whether the licensee notified the ~~((patient))~~ individual, and if not, why not, and if ~~((the patient was notified))~~ there was notification, what information was provided ~~((to the patient))~~. The report shall not include the ~~((patient's))~~ individual's name or other ~~((identifying))~~ information that could lead to identification of the individual. To meet the requirements of this section, the notification of the individual receiving the therapy misadministration may be made instead to that individual's responsible relative or guardian, when appropriate.

(4) If the ~~((patient))~~ individual was notified, the licensee shall also furnish, within fifteen days after discovery of the therapy misadministration, a written report to the ~~((patient))~~ individual by sending either:

(a) A copy of the report that was submitted to the department; or

(b) A brief description of both the therapy misadministration and the consequences, as they may affect the ~~((patient))~~ individual, and a statement informing the ~~((patient))~~ individual that the report submitted to the department can be obtained from the licensee.

(5) Each licensee shall retain a record of each therapy misadministration for five years. The record must contain the names of all individuals involved (including the prescribing physician, allied health personnel, the ((patient)) individual who received the therapy misadministration, and ((the patient's)) that individual's referring physician, the ((patient's)) individual's Social Security number or identification number if one has been assigned, a brief description of the therapy misadministration, why it occurred, the effect on the ((patient)) individual, ((what)) improvements ((are)) needed to prevent recurrence, and the actions taken to prevent recurrence.

(6) Aside from the notification requirement, nothing in this section affects any rights or duties of licensees and physicians in relation to each other, ~~((patients, or the patient's))~~ to individual's receiving therapy misadministrations, or to that individual's responsible relatives or guardians.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-244-240 Notification of incidents, abandonment, and lost sources. (1) Notification of incidents and sources lost in other than downhole logging operations shall be made in accordance with appropriate provisions of chapter 246-221 WAC.

(2) The licensee shall immediately notify the state of Washington division of radiation protection by telephone ~~((360/753-3468))~~ (206 682-5327) and subsequently within five days by confirmatory letter if:

(a) Licensed material has been lost in or near a fresh water aquifer; or

(b) A sealed source has been ruptured. This notice must designate the well or other location and describe the magnitude and extent of licensed materials, assess the consequences of the loss or rupture, and explain efforts planned or being taken to mitigate these consequences.

(3) Whenever a sealed source or device containing radioactive material is lodged downhole, the licensee shall:

(a) Monitor the surface for the presence of radioactive contamination with an appropriate radiation survey instrument (not the logging tool itself) during logging tool recovery operations; and

(b) Notify the department immediately by telephone if radioactive contamination is detected at the surface or if the source appears to be damaged.

(4) When it becomes apparent that efforts to recover the radioactive source will not be successful, the licensee shall:

(a) Advise the well operator or owner, as appropriate, of the regulations of the state of Washington regarding abandonment, and an appropriate method of abandonment. The licensee shall ensure that such abandonment procedures are implemented within thirty days after the sealed source has been classified as irretrievable. Such abandonment procedures shall include:

(i) Immobilization and sealing in place of the radioactive source with a cement plug;

(ii) The setting of a whipstock or deflection device; and

(iii) The mounting of a permanent identification plaque at the surface of the well, containing the appropriate information required by subsection (5) of this section;

(b) Immediately notify the department by telephone ~~((360/753-3468))~~ (206 682-5327), giving the circumstances of the loss, and request and receive approval of the proposed abandonment procedures; and

(c) File a written report with the department within thirty days of the abandonment, setting forth the following information:

(i) Date and time of occurrence and a brief description of attempts to recover the source;

- (ii) A description of the radioactive source(s) involved, including radionuclide, quantity, make, model and serial number, and chemical and physical form;
- (iii) Surface location and identification of well;
- (iv) Results of efforts to immobilize and seal the source in place;
- (v) Depth of the radioactive source in meters or feet;
- (vi) Depth to the top of cement plug in meters or feet;
- (vii) Depth of the well in meters or feet; and
- (viii) Information contained on the permanent identification plaque.

(5) Whenever a sealed source containing radioactive material is not recovered and is abandoned downhole, the licensee shall provide a permanent plaque at least eighteen centimeters square for posting the well or well bore (see Appendix A). This plaque shall:

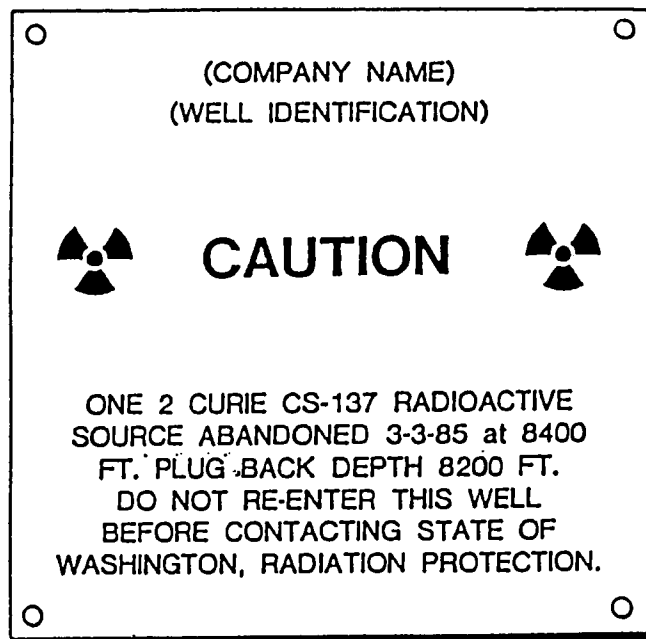
- (a) Be constructed of long lasting material, such as stainless steel or monel; and
- (b) Contain the following information permanently and conspicuously engraved on its face:
 - (i) The word "CAUTION (or DANGER)";
 - (ii) The radiation symbol(s) with or without the conventional color requirement;
 - (iii) The date of abandonment (month/day/year);
 - (iv) The name of the well operator or well owner;
 - (v) The well name and well identification number(s) or other designation;
 - (vi) The sealed source(s) by radionuclide and quantity of activity (if more than one source is involved, information for each source shall be included);
 - (vii) The source depth and the depth to the top of the plug in meters or feet; and
 - (viii) An appropriate warning, depending on the specific circumstances of each abandonment.¹
- (6) The department may, at its own discretion, impose such other requirements as it may deem necessary.

¹ An example of a suggested plaque is shown in Appendix A of this section. Appropriate warnings may include:

- (a) "Do not drill below plug back depth";
- (b) "Do not enlarge casing"; and/or
- (c) "Do not reenter the hole before contacting the state of Washington division of radiation protection."

APPENDIX A

Example of Plaque for Identifying Wells Containing Sealed Sources Containing Radioactive Material Abandoned Downhole



The size of the plaque should be convenient for use on active or inactive wells, and shall be at least eighteen centimeters square. Letter size of the word "CAUTION" or "DANGER" shall be approximately twice the letter size of the rest of the information, e.g., one-half inch and one-fourth inch letter size, respectively.

AMENDATORY SECTION (Amending WSR 94-07-010, filed 3/4/94, effective 4/4/94)

WAC 246-247-010 Applicability. (1) The standards and requirements of this chapter apply state-wide at the following types of facilities that emit radionuclides to the air:

- (a) Facilities licensed by the department or by the United States Nuclear Regulatory Commission (NRC);
- (b) United States Department of Energy (DOE) facilities;
- (c) Non-DOE federal facilities;
- (d) Uranium fuel cycle facilities;
- (e) Uranium mills that are processing material; and
- (f) Any other facility that the department determines emits or has the potential to emit radionuclides to the ambient air.

(2) The standards and requirements of this chapter apply to point sources, nonpoint sources, and fugitive emissions.

(3) The standards and requirements of this chapter apply to stationary and mobile emission units, whether temporary or permanent.

(4) The control technology standards and requirements of this chapter apply to the abatement technology and indication devices of facilities and emission units subject to this chapter. Control technology requirements apply from entry

PERMANENT

of radionuclides into the ventilated vapor space to the point of release to the environment.

(5) In accordance with RCW 70.94.161(10), air operating permits issued under chapter 173-401 WAC shall incorporate all applicable requirements of this chapter. Therefore, all facilities listed in subsection (1) of this section that are also subject to the operating permit regulations in chapter 173-401 WAC shall be considered in compliance with the requirements of this chapter if they comply with all the applicable requirements of the air operating permit issued under chapter 173-401 WAC. These applicable requirements shall be contained in the radioactive air emissions license which shall be incorporated as part of the air operating permit. In accordance with RCW 70.94.422(1), the department shall enforce all the requirements contained in the radioactive air emissions license.

(6) Should any of the federal regulations that have been adopted by reference in this chapter be rescinded, the affected facilities shall nonetheless comply with all other applicable requirements of this chapter.

(7) An applicant may obtain a copy of any document referenced in this chapter by contacting the department's division of radiation protection, air emissions and defense wastes section at (360) ((586-5504)) 236-3260. Mail reports, applications, and other written correspondence to the Air Emissions and Defense Wastes Section at Airdustrial Park, Building 5, P.O. Box 47827, Olympia, Washington, 98504-7827.

Effective Date of Rule: Thirty-one days after filing.

June 5, 1998

Annette M. Sandberg
Chief

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 212-17-190	Retailers of fireworks—Sales dates.
WAC 212-17-195	Retailers of fireworks—Sales locations.
WAC 212-17-200	Retailers of fireworks—Safety inspection.
WAC 212-17-205	Retailers of fireworks—No smoking signs.
WAC 212-17-210	Retailers of fireworks—Smoking and discharge of fireworks.
WAC 212-17-215	Retailers of fireworks—Disposition of unsold stock.

WSR 98-13-038
PERMANENT RULES
WASHINGTON STATE PATROL
[Filed June 9, 1998, 8:55 a.m.]

WSR 98-13-045
PERMANENT RULES
DEPARTMENT OF LICENSING
[Filed June 10, 1998, 9:28 a.m.]

Date of Adoption: June 5, 1998.

Purpose: To eliminate redundant sections of the WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 212-17-190, 212-17-195, 212-17-200, 212-17-205, 212-17-210, and 212-17-215.

Statutory Authority for Adoption: RCW 70.77.250, chapters 70.77, 43.43 RCW.

Adopted under preproposal statement of inquiry filed as WSR 98-07-019 on March 10, 1998.

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 6.

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 6.

Date of Adoption: June 10, 1998.

Purpose: To repeal WACs where the statutory authority has been repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-170-040 and 308-170-050.

Statutory Authority for Adoption: RCW 34.05.354.

Adopted under preproposal statement of inquiry filed as WSR 98-07-020 on March 10, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 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 2.

PERMANENT

Effective Date of Rule: Thirty-one days after filing.
June 10, 1998
Walt Fahrer
Rules Coordinator

WSR 98-13-046
PERMANENT RULES
ATTORNEY GENERAL'S OFFICE

[Filed June 10, 1998, 2:41 p.m.]

Date of Adoption: June 10, 1998.

Purpose: To repeal WAC 44-01-140, which is the only rule remaining in that chapter. The function of registering charitable trusts has been transferred from the Office of the Attorney General to the Office of the Secretary of State. The Secretary of State has issued rules on that subject, and so the rules contained in this chapter are no longer necessary.

Citation of Existing Rules Affected by this Order: Repealing WAC 44-01-140.

Statutory Authority for Adoption: RCW 34.05.354.

Adopted under preproposal statement of inquiry filed as WSR 98-07-053 on March 12 [13], 1998.

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.

June 10, 1998
Jeffrey T. Even
Assistant Attorney General

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 44-01-140 Notification of litigation

WSR 98-13-050
PERMANENT RULES
DEPARTMENT OF ECOLOGY
[Order 98-06—Filed June 11, 1998, 12:10 p.m.]

Date of Adoption: June 12, 1998.

Purpose: SSB 5606, chapter 342, Laws of 1995, required the Department of Ecology and the Department of Health to jointly review, if required, proposed amendments to chapter 372-32 WAC to resolve conflicts between the development of reclaimed water projects and chapter 372-32 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 372-32 WAC.

Statutory Authority for Adoption: SSB 5606, chapter 342, Laws of 1995.

Adopted under preproposal statement of inquiry filed as WSR 98-08-060 on March 30, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 12, 1998
Tom Fitzsimmons
Director

WSR 98-13-057
PERMANENT RULES
PERSONNEL RESOURCES BOARD

[Filed June 11, 1998, 3:24 p.m., effective August 1, 1998]

Date of Adoption: June 11, 1998.

Purpose: These rules pertain to medical expense plans which were adopted by the 1998 legislature.

Citation of Existing Rules Affected by this Order: Amending [new sections] WAC 356-18-075 and 251-22-127.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 98-10-121 on May 6, 1998.

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 2, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 0, Repealed 0.

Effective Date of Rule: August 1, 1998.

June 11, 1998

Dennis Karras

Secretary

NEW SECTION

WAC 356-18-075 Medical expense plans. (1) The employing agency may provide to eligible employees a medical expense plan that provides for reimbursement of medical expenses. Instead of cash out of sick leave at retirement as provided in WAC 356-18-050, the agency's head or designee may deposit equivalent funds in a medical expense plan for eligible employees. The medical expense plan must meet the requirements of the Internal Revenue Code.

(2) Medical expense plans shall be implemented only after consultation with affected groups of employees.

(a) Medical expense plans for eligible employees in any of the groups listed in (4) of this section who are covered by a collective bargaining agreement shall be implemented only by written agreement with the bargaining unit's exclusive representative.

(b) A separate medical expense plan may be provided for unrepresented employees.

(3) As a condition of participation, the medical expense plan provided shall require that each covered eligible employee sign an agreement with the employer. The agreement shall include the following provisions.

(a) A provision to hold the employer harmless should the United States government find that the employer or the employee is indebted to the United States as a result of:

(i) the employee not paying income taxes due on the equivalent funds placed into the plan, or

(ii) the employer not withholding or deducting a tax, assessment, or other payment on funds placed into the plan as required by federal law.

(b) A provision to require each covered eligible employee to forfeit remuneration for accrued sick leave at retirement if the employee is covered by a medical expense plan and the employee refuses to sign the required agreement.

(4) Each medical expense plan offered by an agency shall apply to all eligible employees in any one of the following groups:

(a) Employees in an agency;

(b) Employees in a major organizational subdivision of an agency;

(c) Employees at a major operating location of an agency;

(d) Classified employees in a bargaining unit established by the Washington personnel resources board; or

(e) Another group of employees defined by an agency head that is not designed to provide an individual-employee choice regarding participation in a medical expense plan.

(5) The following definitions are used for the medical expense plan.

(a) "Eligible employees" means all employees in a designated group in (4) of this section.

(b) "Covered eligible employee" means an eligible employee who is in a group for which the employing agency has established a medical expense plan.

(6) An established medical expense plan shall be applicable to all retirements of covered eligible employees within a calendar year. Such a medical expense plan may be discontinued in any future year, but once discontinued it may not be reinstated for the same group of eligible employees within the same calendar year as it was discontinued.

NEW SECTION

WAC 251-22-127 Medical expense plans. (1) The employing institution of higher education may provide to eligible employees a medical expense plan that provides for reimbursement of medical expenses. Instead of cash out of sick leave at retirement as provided in WAC 251-22-124, the higher education institution's head or designee may deposit equivalent funds in a medical expense plan for eligible employees. The medical expense plan must meet the requirements of the Internal Revenue Code.

(2) Medical expense plans shall be implemented only after consultation with affected groups of employees.

(a) Medical expense plans for eligible employees in any of the groups listed in (4) of this section who are covered by a collective bargaining agreement shall be implemented only by written agreement with the bargaining unit's exclusive representative.

(b) A separate medical expense plan may be provided for unrepresented employees.

(3) As a condition of participation, the medical expense plan provided shall require that each covered eligible employee sign an agreement with the employer. The agreement shall include the following provisions.

(a) A provision to hold the employer harmless should the United States government find that the employer or the employee is indebted to the United States as a result of:

(i) the employee not paying income taxes due on the equivalent funds placed into the plan, or

(ii) the employer not withholding or deducting a tax, assessment, or other payment on funds placed into the plan as required by federal law.

(b) A provision to require each covered eligible employee to forfeit remuneration for accrued sick leave at retirement if the employee is covered by a medical expense plan and the employee refuses to sign the required agreement.

(4) Each medical expense plan offered by a higher education institution shall apply to all eligible employees in any one of the following groups:

(a) Employees in a higher education institution;

(b) Employees in a major organizational subdivision of a higher education institution;

(c) Employees at a major operating location of a higher education institution;

(d) Classified employees in a bargaining unit established by the Washington personnel resources board; or

(e) Another group of employees defined by an institution head that is not designed to provide an individual-employee choice regarding participation in a medical expense plan.

(5) The following definitions are used for the medical expense plan.

(a) "Eligible employees" means employees in a designated group in (4) of this section.

(b) "Covered eligible employee" means an eligible employee who is in a group for which the employing higher education institution has established a medical expense plan.

(6) An established medical expense plan shall be applicable to all retirements of covered eligible employees within a calendar year. Such a medical expense plan may be discontinued in any future year, but once discontinued it may not be reinstated for the same group of eligible employees within the same calendar year as it was discontinued.

WSR 98-13-058

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed June 11, 1998, 3:25 p.m., effective August 1, 1998]

Date of Adoption: June 11, 1998.

Purpose: This rule is in conjunction with the resolution of the pilot program to the return to work initiative project. This rule will allow the director of the Department of Personnel or designee to waive appropriate rules to permit higher education classified employees with an on-the-job injury to access the RIF transition pool.

Citation of Existing Rules Affected by this Order: Amending [new section] WAC 251-19-154.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 98-09-067 on April 20, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: August 1, 1998.

June 11, 1998

Dennis Karras

Secretary

NEW SECTION

WAC 251-19-154 Return to work initiative. The director of personnel or designee may waive the appropriate rules to implement the return to work initiative project resolution adopted by the board on April 9, 1998.

WSR 98-13-065

PERMANENT RULES

NORTHWEST AIR

POLLUTION AUTHORITY

[Filed June 12, 1998, 2:09 p.m.]

Date of Adoption: May 14, 1998.

Purpose: To amend, add and delete subsections of the NWAPA regulation to reflect changes in the state and federal rules and to clarify requirements that will promote effective air pollution control.

Subsections:

323.15 Provides consistency with NWAPA 580.611 and allows registration of new and modified gasoline stations.

501.615 Adding subsection to clarify enforceability of outdoor burning permit conditions.

501.75 Adding language to clarify Department of Natural Resources definition of "rule burn."

501.76 Adding language to clarify Department of Natural Resources definition of "rule burn."

504 Amending, adding and deleting subsections to be consistent with state rules and remove outdated information. This section as amended sets controls on agricultural burning, establishes permit conditions, sets a local agency fee for agricultural burning permits and clarifies the definition of incidental agricultural burning.

580.31 Amended to make language consistent with NWAPA 580.36.

580.611 Amended to provide consistency within the subsections.

580.612 Amended to provide consistency within the subsections.

Citation of Existing Rules Affected by this Order: Amending Sections 323, 501, 504, and 580.

Statutory Authority for Adoption: Chapter 70.90 RCW.

Adopted under notice filed as WSR 98-08-094 on April 1, 1998.

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 Mak-

ing: 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.

June 9, 1998

James B. Randles

Assistant Control Officer

AMENDATORY SECTION

SECTION 323 - CLASSES OF REGISTRATION

323.15 CLASS G - All gasoline stations installed or reconstructed after January 1, 1990 with a nominal total gasoline storage capacity greater than thirty-eight thousand liters (10,000 gallons) and all gasoline stations with a total annual gasoline throughput greater than one million three hundred ~~((twenty-five))~~ sixty-four thousand liters ~~((350,000))~~ 360,000 gallons).

AMENDATORY SECTION

SECTION 501 - OUTDOOR BURNING

501.6 OUTDOOR BURNING PROGRAM

501.61 General Requirements.

501.611 All outdoor burning requires a permit as covered in section 501.7.

501.612 Permits shall not be issued, and thus outdoor burning is not allowed, in areas where reasonable alternatives are available.

501.613 No outdoor burning shall be allowed in areas that exceed federal or state ambient air quality standards for fine particulate matter (PM-10) or carbon monoxide. Such areas shall be defined as the entire PM-10 and/or carbon monoxide nonattainment area, unless otherwise determined pursuant to section 506.21 of the regulation.

501.614 A fire protection authority may declare a fire hazard in areas where outdoor burning is banned and in areas where outdoor burning is allowed. If outdoor burning is determined to be the most appropriate manner to abate a fire hazard, the fire protection authority must request from the Authority permission to burn. Permits issued under section 501.614 shall provide that:

501.6141 Prohibited material shall not be burned.

501.6142 Outdoor burning shall not be conducted during a period of impaired air quality.

501.6143 No reasonable alternative is available.

501.6144 No outdoor burning shall be conducted in areas that exceed federal or state ambient air quality standards for Carbon monoxide and/or PM-10. Such areas shall be defined as nonattainment areas for these pollutants.

501.615 Failure to abide by conditions of an Outdoor Burning Permit shall be unlawful.

501.7 OUTDOOR BURNING PERMIT REQUIREMENTS

501.71 All outdoor burning requires a permit. For areas where burning is allowed, the Authority, fire districts or departments, conservation districts, or counties may issue permits. Those issuing permits are responsible for field response to outdoor burning complaints. Ecology will provide

guidance for field response programs which addresses funding, training, and staffing.

501.72 In selecting a permit program, the options range from the minimum - a general rule burn, as described below, to a written permit. A permit program must be in place eight months after Ecology provides guidance for the program. If at that time, no agreement has been reached, the area becomes a no-burn area and falls under the restrictions set forth in section 501.62 above. A no-burn area will be established only after a public hearing has been conducted to address the matter.

501.73 Fees. The Authority may charge a fee to cover the administrative cost of a permit program. Fire districts, counties, and conservation districts issuing fire permits may collect fees to cover administrative costs.

501.74 The Authority may apply additional restrictions on outdoor burning as necessary to reduce the impacts from outdoor burning. These restrictions include, but are not limited to, restricting burning in sensitive areas per 173-400 WAC, restricting the time periods for which burning is allowed, limiting permissible hours of burning, restricting burning to specific weather conditions, and imposing requirement for good combustion.

501.75 General Rule Burn Permits. For areas where outdoor burning is allowed, fire permitting agencies may elect to use a general permit by rule. A person burning under a general permit by rule system must meet, at minimum, the following requirements and any additional restrictions including those established by cities, counties, or fire protection authorities. Persons not able to meet all of the requirements of this sections must apply for and receive a written permit. Persons intending to burn by general rule on land subject to the Forest Protection Assessment (RCW 76.04.610) are exempt from this subsection but are regulated by the Washington Department of Natural Resources under WAC 332-24-211.

General rule burn permits under section 501.75 may be used for the following number of days per year:

1992-1995	twenty-one days/year
1995-1998	fourteen days/year
After 1998	seven days/year

A person burning under a general rule burn permit must follow the requirements listed in section 501.751 through 501.759 below and any additional restrictions in affect while burning, including those established by cities, counties, fire protection agencies, and the Authority.

501.76 Additional requirements for land clearing burning. The following "best available burning practices" shall be used when land clearing burns are conducted on land not subject to the Forest Protection Assessment (RCW 76.04.610). Land clearing burning conducted on lands subject to the Forest Protection Assessment are regulated by the Washington Department of Natural Resources under WAC 332-24-201.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

SECTION 504 - AGRICULTURAL BURNING (~~OUTDOOR BURNING - GRASS SEED FIELDS~~))

PERMANENT

All definitions in Section 200 are fully applicable to Section 503

AG TASK FORCE - Means the agricultural burning practices and research task force.

AGRICULTURAL OPERATION - Means a farm that can substantiate that the operation is commercial agriculture by showing the most recent year's IRS schedule F form or proof that the land is designated in a classification for agricultural use. It also includes activities conducted by irrigation district or drainage district personnel as part of water system management.

AGRICULTURAL LAND - Land that is designated in a classification for agricultural use or land that is used for the operation of commercial agriculture and can be substantiated by the most recent year's IRS schedule F form.

BEST MANAGEMENT PRACTICE - Means the criteria established by the agricultural burning practices and research task force (Ag task force).

FARMER - Means any person engaged in the business of growing or producing for sale upon their own lands, or upon the land in which they have a present right of possession, any agricultural product. Farmer does not mean persons using such products as ingredients in a manufacturing process, or persons growing or producing such products primarily for their own consumption.

FIELD GRASSES - Canary grass, brome grass, oat grass, timothy grass, ryegrass, wheat grass, forage grass, and orchard grass planted for seed production.

TURF GRASSES - All blue grasses, fescues, and bent grass and perennial rye grass planted for seed production.

((504.1 It is the policy of the NWAPA in carrying out its responsibilities under Chapter 70.94 RCW to:))

504.1 Purpose. This Section establishes fees and controls for agricultural burning in the NWAPA jurisdiction in order to minimize adverse health effects and environmental impacts, consistent with best management practices and the responsibilities of the NWAPA under WAC 173-430, RCW 70.94.650, 70.94.656, and 70.94.745.

((504.11 Reduce and ultimately eliminate unnecessary agricultural burning through the earliest possible application of practical alternate methods:

504.12 Encourage and assist grass seed producers and processors to conduct or participate in a research and technological program designed to progressively reduce adverse effects on the environment through application of best practicable agricultural practices.

504.13 Discourage any increase in the number of acres being burned during the time period alternate methods are being developed to eliminate agricultural burning by the grass seed industry; and to seek an equitable and effective method of preventing an increase in burning.))

((504.2 No outdoor burning of field grasses or turf grasses shall be undertaken unless a permit has been obtained from the Authority. The issuance of permits hereunder shall be governed by consideration of air quality conditions in the area where proposed burning is to occur, the time of year, the size and duration of the proposed burning activity, and the applicant's need to carry out such burning as weighed against the public interest in clean air. Permits will be conditioned to minimize air pollution insofar as practical. The Authority

may limit the number of acres for which permits to burn will be issued in order to effectively control emissions from this source and to implement the policy expressed in 504.13.

504.2 Applicability. This Section applies to agricultural burning in all areas of the NWAPA jurisdiction unless specifically exempted. Nothing in Section 504 shall apply to silvicultural burning or open burning.

((504.3 The NWAPA hereby adopts by reference Chapter 18-16 WAC "Burning of Field and Turf Grasses Grown for Seed":))

504.3 Prohibitions. All agricultural burning requires an agricultural burning permit issued by the Authority. No person shall practice or permit the practice of agricultural burning in any of the following circumstances and locations:

504.31 When the applicant is not a farmer with an agricultural operation or a government entity with specific agricultural burning needs, such as irrigation districts, drainage districts, and weed control boards.

504.32 When the materials to be burned include anything other than natural vegetation.

504.33 During a no burn day as declared by the Authority or during an air pollution episode for a defined geographical area.

504.34 When burning causes a nuisance or the Authority determines that a nuisance is likely to result from burning.

504.35 If the applicant is unable to show to the satisfaction of the Authority that burning, as requested, is reasonably necessary to successfully carry out the enterprise in which the applicant is engaged; and constitutes a best management practice; and is necessary because no practical alternative is reasonably available.

504.36 If the burning includes any material other than natural vegetation generated on the property, which is the burning site, or material transported to the burning site by wind or water.

((504.4 Practical alternative production methods and disease controls which would reduce or eliminate outdoor burning shall be utilized as soon as they become available regardless of specific provisions of the compliance program included within this section:))

504.4 General Conditions. Considering population density and local conditions affecting air quality, the Authority shall establish conditions for all permits to minimize air pollution as much as practical. Conditions may include but are not limited to restricting the permissible hours of burning, restricting burning to a defined season, restricting the size of fires, imposing requirements for good combustion practice, and restricting burning to specified weather conditions. Any person who practices or permits the practice of agricultural burning shall, in addition to any specific permit conditions imposed, comply with all of the following conditions:

504.41 Whenever any stage of an air pollution episode or no burn day is declared, all fires shall be extinguished by withholding new fuel as appropriate, and allowing the fire to burn down.

504.42 The fire shall be attended by a person who is responsible for the fire and is capable of extinguishing the fire. The fire must be extinguished before it is left unattended.

504.43 Burning shall occur during daylight hours only, or a more restrictive period as determined by the Authority. No burning is allowed at night except as a best management practice.

504.44 Permission from a landowner, or the owner's designated representative, must be obtained before starting the fire.

504.45 The responsible person shall notify the local fire district prior to igniting a fire. Compliance with all fire safety regulations of the local fire protection agency, including any no-burn directives they may issue, is required.

504.46 If it becomes apparent at any time to the Authority that limitations must be imposed to reduce smoke and prevent air pollution and/or protect property and the health, safety, and comfort of persons from the effects of burning, the Authority shall notify the permittee or responsible person and any limitation so imposed shall become a condition under which the permit is issued.

504.47 Burning only natural vegetation.

504.48 Burning when wind takes smoke away from roads, homes population centers, or other public areas, to the greatest extent possible.

504.49 No burning during adverse meteorological conditions.

((504.5 Mobile field burners and other methods of incineration, not classified as outdoor burning, shall not be prohibited by the above restrictions, providing emissions do not exceed the following standards:))

504.5 Administrative requirements.

((504.51 Visible emissions shall not exceed an opacity of 20% for more than three (3) minutes in any one hour:))

504.51 All agricultural burning permits require a fee. This fee shall not exceed the level determined by the agricultural burning practices and research task force, pursuant to Chapter 70.94.650 RCW.

((504.52 Particulate emissions shall not exceed 0.1 grains per standard cubic foot of exhaust gas corrected to 7% oxygen at standard conditions, dry:))

504.52 The fee shall be the greater of:

504.521 A minimum fee of twenty-five dollars per year per farm which shall be used as follows: Twelve dollars and fifty cents of which goes to the agricultural burning research fund, and the remaining twelve dollars and fifty cents will be kept by the Authority to cover the costs of administering and enforcing this regulation; or

504.522 A variable fee based on the acreage or equivalent of agricultural burning which will be used as follows: Up to one dollar per acre for applied research, twenty-five cents per acre for ecology administration and one dollar and twenty-five cents per acre for local permit program administration.

504.53 The Authority shall act on a complete permit application within seven days from the date such complete application is filed.

((504.6 Nothing herein shall relieve any applicant for a permit hereunder from obtaining permits, licenses or approvals required by any other laws, regulations, or ordinances:))

504.6 Exemptions. Burning that is incidental to commercial agricultural activities shall be allowed without apply-

ing for any permit and without the payment of any fee if all of the following conditions are met:

504.61 The operator notifies the local fire department within the area where the burning is to be conducted;

504.62 The burning does not occur during a no burn day, or any stage of impaired air quality declared under RCW 70.94.715; and

504.63 Only the following items are burned: orchard prunings, organic debris along fence lines or irrigation or drainage ditches, or organic debris blown by wind.

504.64 Standing vegetation to be burned is one acre or less in size. This exempt acre (or less) may be burned in addition to that acreage included in fence lines or irrigation or drainage ditches.

504.7 Other laws. Nothing herein shall relieve any applicant for a permit hereunder from obtaining any permits, licenses, or other approvals required by any other laws, regulations, or ordinances. The farmer must also honor other agreements entered into with any federal, state, or local agency.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

SECTION 580 - VOLATILE ORGANIC COMPOUND CONTROL

580.3 High Vapor Pressure Volatile Organic Compound Storage Tanks

580.31 This section shall apply to all tanks except as noted in Section 580.35 and 580.36 of this section which store volatile organic compounds with a true vapor pressure as stored greater than 10.5 kilopascals (Kpa) 1.5 pounds per square inch (psia), but less than 77.7 Kpa (11.1 psia) at actual monthly average storage temperatures and have a capacity greater than one hundred fifty thousand liters (40,000 gallons).

SECTION 580.6 - Gasoline Stations

580.61 Section 580.62 shall apply to:

580.611 All gasoline stations ((in existence on January 1, 1990)) with a total annual gasoline ((output)) throughput greater than one million three hundred sixty-four thousand liters (360,000 gallons) and ((total gasoline storage capacity greater than thirty-eight thousand liters (10,000 gallons) and))

580.612 All gasoline stations installed or reconstructed after January 1, 1990 with a nominal total gasoline storage capacity greater than thirty-eight thousand liters (10,000).

**WSR 98-13-068
PERMANENT RULES
DEPARTMENT OF
NATURAL RESOURCES**

[Filed June 15, 1998, 10:43 a.m., effective August 1, 1998]

Date of Adoption: June 11, 1998.

PERMANENT

Purpose: Set fees for burning permits and specify other conditions for written burning permits.

Citation of Existing Rules Affected by this Order: Amending WAC 332-24-221.

Statutory Authority for Adoption: RCW 70.94.660 and 76.04.205.

Adopted under notice filed as WSR 98-09-046 on April 15, 1998.

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: August 1, 1998.

June 11, 1998
Charlie Baum
Supervisor

AMENDATORY SECTION (Amending Order 640, filed 5/30/97, effective 7/1/97)

WAC 332-24-221 Specific rules for burning that requires a written burning permit. Persons not able to meet the requirements of WAC 332-24-205 and 332-24-211 must apply for a written burning permit through the department. In addition to the rules outlined in WAC 332-24-205, the following are additional requirements for written permits:

(1) Written burning permits will be in effect for one year from the validation date, unless suspended or revoked.

(2) Fees for written burning permits will be charged and collected pursuant to chapter 70.94 RCW and shall be ~~((twenty-three))~~ twenty-four dollars seventy-five cents for under one hundred tons of consumable debris; and for burns one hundred tons of consumable debris and greater as follows:

Consumable Debris	Fee schedule
100 - 500 tons	((119)) <u>\$123</u>
501 - 1,000 tons	((364)) <u>379</u>
1,001 - 1,500 tons	((606)) <u>631</u>
1,501 - 2,000 tons	((850)) <u>885</u>
2,001 - 2,500 tons	((1,093)) <u>1,138</u>
2,501 - 3,000 tons	((1,337)) <u>1,392</u>
3,001 - 3,500 tons	((1,578)) <u>1,643</u>
3,501 - 4,000 tons	((1,821)) <u>1,897</u>
4,001 - 4,500 tons	((2,065)) <u>2,151</u>

Consumable Debris	Fee schedule
4,501 - 5,000 tons	((2,308)) <u>2,404</u>
5,001 - 5,500 tons	((2,552)) <u>2,658</u>
5,501 - 6,000 tons	((2,795)) <u>2,911</u>
6,001 - 6,500 tons	((3,039)) <u>3,166</u>
6,501 - 7,000 tons	((3,282)) <u>3,419</u>
7,001 - 7,500 tons	((3,526)) <u>3,673</u>
7,501 - 8,000 tons	((3,769)) <u>3,926</u>
8,001 - 8,500 tons	((4,013)) <u>4,180</u>
8,501 - 9,000 tons	((4,256)) <u>4,433</u>
9,001 - 9,500 tons	((4,500)) <u>4,688</u>
9,501 - 10,000 tons	((4,744)) <u>4,939</u>
10,001 + tons	((4,985)) <u>5,193</u>

For purposes of this section, consumable debris is the amount of debris that the department determines will be consumed by the proposed burning.

(3) Written burning permits are not considered valid unless all of the following conditions apply:

(a) The written permit has been signed by the applicant agreeing to follow all requirements of chapter 332-24 WAC, the smoke management plan in effect at the time of the burning, and any additional terms and conditions specified by the department in writing; and

(b) The required permit fee has been secured or paid according to approved department procedures; and

(c) The person doing the burning has the permit in possession while burning and is complying with all terms and conditions of such permit, the smoke management plan in effect at the time of the burning, and all applicable portions of chapter 332-24 WAC.

(4) Permits are written only for the burn site and fuel quantity that is presented at the time of the inspection. Addition of fuel, or changing the burn site after the site inspection has been made, is prohibited unless a new inspection is made and an added permit fee is paid, if required.

WSR 98-13-069
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 15, 1998, 11:45 a.m., effective August 15, 1998]

Date of Adoption: June 15, 1998.

Purpose: Rigging, below the hook, chapter 296-155 WAC, Safety standards for construction.

Below the hook (rigging), chapter 296-155 WAC, Safety standards for construction work.

The Construction Advisory Committee (CAC), which is made up of representatives from labor, special interest construction network groups, and management representatives from the construction industry, reviewed the below the hook (rigging) standards and determined the rules were awkward to use and information was hard to find. Following the CAC review, the department initiated a formal proposal for rules

PERMANENT

amendment and held a public hearing on March 24, 1998, to receive comments on the proposal. The state-initiated proposal consolidated the various existing codes in one area of the standard to make them easier to use and follow. No comments were received on the rule amendment proposal. As a result, the rule amendments are adopted as proposed.

New section WAC 296-155-229 Qualified person—Rigging. This state-initiated amendment merely restates the existing definition of a "qualified person" which is currently located at WAC 296-155-24503. Placing the definition at the beginning of the rigging section is convenient for the user. No new requirements are adopted.

Amended section WAC 296-155-330 Rigging equipment for material handling. This state-initiated amendment consolidates existing rigging standards (from WAC 296-155-570 Cranes, 296-155-689 Placing and removal of forms, and 296-155-691 Precast concrete and tilt-up operations) to make the standards easier to use and follow. No new requirements are adopted.

Citation of Existing Rules Affected by this Order: Amending WAC 296-155-130 Rigging equipment for material handling.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050, [49.17].060.

Adopted under notice filed as WSR 98-05-073 on February 17, 1998.

Changes Other than Editing from Proposed to Adopted Version: No comments were received on this proposal. These rules are adopted as proposed.

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 1, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Effective Date of Rule: August 15, 1998.

June 15, 1998

Gary Moore

Director

NEW SECTION

WAC 296-155-229 Qualified person—Rigging. Qualified person - A person who, by possession of a recognized degree or certificate of professional standing, or who, by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter.

Also has authorization or authority by the nature of their position to take prompt corrective measures to eliminate them. The person shall be knowledgeable in the requirements of this part.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-330 Rigging equipment for material handling. (1) General.

(a) Rigging equipment for material handling shall be inspected prior to use on each shift and as necessary during its use to ensure that it is safe. Defective rigging equipment shall be removed from service.

(b) Rigging equipment shall not be loaded in excess of its recommended safe working load, as prescribed in Tables F-1 through F-20 in this part and shall comply with ((ANSI-B 30.9-1984)) ANSI/ASME B30.9-1996.

(c) Rigging equipment, when not in use, shall be removed from the immediate work area so as not to present a hazard to employees.

(d) ~~((Special custom design grabs, hooks, clamps, or other lifting accessories shall be marked to indicate the safe working loads and shall be proof tested to 125 percent of the rated load prior to use. Such custom devices shall be permanently marked with an identification number and permanent records shall be maintained on the jobsite for each device.))~~ Special rigging accessories (i.e., spreader bars, grabs, hooks, clamps, etc.) or other lifting accessories shall be marked with the rated capacity. All components shall be proof-tested to 125 percent of the rated load prior to the first use. Permanent records shall be maintained on the job site for all special rigging accessories.

(2) Alloy steel chains. Chains used for overhead lifting shall be proof tested alloy steel.

(a) Welded alloy steel chain slings shall have permanently affixed durable identification stating size, grade, rated capacity, and sling manufacturer.

(b) Hooks, rings, oblong links, pear-shaped links, welded or mechanical coupling links, or other attachments, when used with alloy steel chains, shall have a rated capacity at least equal to that of the chain.

(c) The use of job or shop hooks and links, or makeshift fasteners, formed from bolts, rods, etc., or other such attachments, shall be prohibited.

(d) Rated capacity (working load limit) for alloy steel chain slings shall conform to the values shown in Table F-1.

(e) Whenever wear at any point of any chain link exceeds that shown in Table F-2, the assembly shall be removed from service.

(f) If at any time any three foot length of chain is found to have stretched one-third the length of a link it shall be discarded.

(g) The practice of placing bolts ((or)), nails, or cold shuts between two links to shorten chains is prohibited.

(h) Splicing broken chains by inserting a bolt between two links with the heads of the bolt and the nut sustaining the load, or passing one link through another and inserting a bolt or nail to hold it, is prohibited.

PERMANENT

(i) Wherever annealing of chains is attempted, it shall be done in properly equipped annealing furnaces and under the direct supervision of a competent person.

(3) Wire rope.

(a) Table F-3 through F-14 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications, and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than 5 is maintained.

(b) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(c) Wire rope shall not be secured by knots.

(d) The following limitations shall apply to the use of wire rope:

(i) An eye splice made in any wire rope shall have not less than three full tucks.

Note: This requirement shall not preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited.

(ii) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in pulling loads, shall consist of one continuous piece without knot or splice.

(iii) Wire rope shall not be used, if in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect.

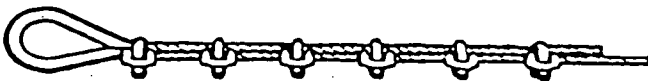
(e) When U-bolt wire rope clips are used to form eyes, Table F-20 shall be used to determine the number and spacing of clips.

(f) When used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(g) U-Bolt wire rope clips shall be made of drop-forged steel.

Note: See Table F-20 for number of clamps and spacing requirements.

CORRECT METHOD OF ATTACHING WIRE ROPE CLIPS



U-Bolt of all clips on dead end of rope

(h) Slings shall not be shortened with knots or bolts or other makeshift devices.

(i) Thimbles shall be used in cable eyes whenever practicable.

(j) The clamp nuts shall be tightened up frequently during the operation to prevent slipping.

(4) Natural rope, and synthetic fiber.

(a) General. When using natural or synthetic fiber rope slings, Tables F-15, F-16, F-17 and F-18 shall apply.

(b) All splices in rope slings provided by the employer shall be made in accordance with fiber rope manufacturers' recommendations.

(i) In manila rope, eye splices shall contain at least three full tucks, and short splices shall contain at least six full tucks (three on each side of the centerline of the splice).

(ii) In layed synthetic fiber rope, eye splices shall contain at least four full tucks, and short splices shall contain at least eight full tucks (four on each side of the centerline of the splice).

(iii) Strand end tails shall not be trimmed short (flush with the surface of the rope) immediately adjacent to the full tucks. This precaution applies to both eye and short splices and all types of fiber rope. For fiber ropes under 1-inch diameter, the tails shall project at least six rope diameters beyond the last full tuck. For fiber ropes 1-inch diameter and larger, the tails shall project at least 6 inches beyond the last full tuck. In applications where the projecting tails may be objectionable, the tails shall be tapered and spliced into the body of the rope using at least two additional tucks (which will require a tail length of approximately six rope diameters beyond the last full tuck).

(iv) For all eye splices, the eye shall be sufficiently large to provide an included angle of not greater than 60° at the splice when the eye is placed over the load or support.

(v) Knots shall not be used in lieu of splices.

(vi) All fibre rope used for hoisting purposes or for the support of scaffolds, or any part thereof, shall be of high grade Manila hemp (abaca). Fibre rope used for the support of scaffolds, or any part thereof, except rope used for lashing or tying purposes, shall be not less than 3/4-inch in diameter.

(vii) The maximum safe working load for fibre rope shall not exceed the maximum strength as shown in the following table:

**STRENGTH OF HIGH GRADE MANILA (ABACA) ROPE
COMMON LAY THREE STRAND**

Approximate Diameter in inches	Circumference in inches	Safe Load in Pounds
3/16 (6 yarns)	1/2	98
1/4 (6 yarns)	3/4	116
5/16 (6 yarns)	1	200
3/8 (12 yarns)	1 1/8	241
7/16 (15 yarns)	1 1/4	291
15/32 (18 yarns)	1 3/8	350
1/2 (21 yarns)	1 1/2	408
9/16	1 3/4	526
5/8	2	666
3/4	2 1/4	816
13/16	2 1/2	983

PERMANENT

Approximate Diameter in inches	Circumference in inches	Safe Load in Pounds
7/8	2 3/4	1,166
1	3	1,366
1 1/16	3 1/4	1,683
1 1/8	3 1/2	1,833
1 1/4	3 3/4	2,083
1 5/16	4	2,365
1 3/8	4 1/4	2,666
1 1/2	4 1/2	2,916

Note: This table is based on data contained in the U.S. Department of Commerce circular of the Bureau of Standards, No. 324.

(5) Synthetic webbing (nylon, polyester, and polypropylene).

(a) The employer shall have each synthetic web sling marked or coded to show:

- (i) Name or trademark of manufacturer.
- (ii) Rated capacities for the type of hitch.
- (iii) Type of material.

(b) Rated capacity shall not be exceeded.

(c) Shackles and hooks.

(a) Table F-19 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than 5 is maintained.

(b) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(c) Hooks shall not be modified by welding and/or drilling unless written approval by the manufacturer has been received.

(d) No open hook shall be used to hoist a bucket, cage, spreader, or skip, nor in any circumstances where the dislodgment of the hook could cause a risk of injury to workers. A safety-hook, mousing, or shackle shall be employed in such circumstances.

(e) When shackles are used, shackle pins shall be secured to prevent accidental withdrawal.

(7) Slings.

(a) When slings are provided as a part of the hoisting equipment, every precaution shall be taken to keep them in a serviceable condition.

(i) Wire rope slings shall be frequently inspected and oiled.

(ii) Slings shall not be left where they can be damaged by traffic or form stumbling hazards.

(iii) Blocks or heavy bagging shall be used at corners of the load to protect the sling from sharp bending.

(iv) Wire rope which has been welded or been subject to welding of any kind shall not be used.

(v) The wire rope shall not be burned off with heat. This may weld the ends of the wires and strands together.

(b) When a load is lifted by a multiple rope sling the sling shall be so arranged that the strain can be equalized between the ropes.

(i) When using a sling with both ends engaged in the hoisting block, the sling shall be adjusted so as to equalize the stress.

(ii) Slings shall be placed on the load at safe lifting angles.

(8) Material handling—General.

(a) When necessary to store building material on public thoroughfares, care shall be exercised to see that it is so piled or stacked as to be safe against collapse or falling over.

(b) Material shall be so located as not to interfere with, or present a hazard to employees, traffic or the public.

(9) Placing and removal of forms.

(a) When moved or raised by crane, cableway, A-frame, or similar mechanical device, forms shall be securely attached to slings having a minimum safety factor of five. Use of No. 9 tie wire, fiber rope, and similar makeshift lashing shall be prohibited.

(b) Taglines shall be used in moving panels or other large sections of forms by crane or hoist.

(c) All hoisting equipment, including hoisting cable used to raise and move forms shall have a minimum safety factor incorporated in the manufacturer's design, and the manufacturer's recommended loading shall not be exceeded. Field-fabricated or shop-fabricated hoisting equipment shall be designed or approved by a registered professional engineer, incorporating a minimum safety factor of five in its design. Panels and built-up form sections shall be equipped with metal hoisting brackets for attachment of slings.

(10) Precast concrete and tilt-up operations.

(a) It shall be the responsibility of the contractor to use accessories which are designed to be compatible.

(b) The design capacity of all lifting devices and accessories shall be known. The devices and accessories with the appropriate capacity shall be used.

(c) Prior to pouring the panels of a tilt-up type construction job, a set of plans or job specifications, including lifting procedures, shall be drawn up.

(i) These plans shall be at the job site and made available upon request.

(ii) Any changes made in the rigging procedure of a tilt-up panel or slab shall provide the same degree of safety as required by the original plans.

(iii) The plans or specifications shall contain the following information:

(A) The type, size, and location of all lifting inserts.

(B) The type, size, and location of all brace inserts or fittings for guy wires in each panel and floor or support.

(C) The size of braces or guys to be used.

(D) The compression strength which concrete panels must attain prior to being lifted.

(iv) The following conditions shall be included in the erection process and shall be incorporated in the design plan:

PERMANENT

(A) Inserts to be installed for lifting sections of tilt-up precast panels shall be designed mechanically to maintain a safety factor of three.

(B) Lifting inserts which are embedded or otherwise attached to precast concrete members, other than the tilt-up members, shall be capable of supporting at least four times the maximum intended load applied or transmitted to them.

(C) The compression strength of the concrete shall be such that when the proper type, size, and amount of inserts are installed a minimum safety factor of two will be maintained.

(v) Lifting hardware shall be capable of supporting at least five times the maximum intended load applied or transmitted to the lifting hardware.

(vi) Lifting bolts or other lifting devices which have been bent, worn, or are otherwise defective shall be discarded.

(vii) Manufactured products shall not be altered in a manner which would reduce the safe working load to less than its original value.

(viii) Inserts shall be positioned so that bolts, or lifting devices, when inserted, will be perpendicular to the face on which they are placed.

(d) Design of the panels and layout of the pour shall be made in such a manner so that when picking, the top of the panel will be away from the crane. If this is not possible, the contractor shall consult with a representative of the department and the crane company involved to determine the procedure to be followed in lifting and placing in its permanent position safely. Panels shall be lifted and handled in such a manner that they will not strike the hoisting equipment, in case of failure.

(e) A qualified rigging person shall be designated and shall consult with the crane operator on lifting procedures prior to making the pick. The qualified rigging person shall be located in such a position during the pick of the panel that they can observe both the crane operator and the employees working in the immediate area.

(1) Rigging in prestressed and post tensioned.

(a) Stressed members shall be handled at pick points specifically designated on the manufacturer's drawings.

(b) Stressed members shall be lifted with lifting devices recommended by the manufacturer or the engineer in charge.

(c) No one shall be allowed under stressed members during lifting and erection.

WSR 98-13-072

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed June 15, 1998, 3:02 p.m.]

Date of Adoption: June 10, 1998.

Purpose: This rule adopts the current versions of the National Institute of Standards and Technology (NIST) handbooks. Specifically NIST Handbook 44 and NIST Handbook 130.

Citation of Existing Rules Affected by this Order: Amending WAC 16-662-105 and 16-662-115.

Statutory Authority for Adoption: RCW 19.94.195.

Adopted under notice filed as WSR 98-10-118 on May 6, 1998.

Changes Other than Editing from Proposed to Adopted Version: The correct title for NIST Handbook 130 is, "Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality."

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.

June 10, 1998

James M. Jesernig

Director

AMENDATORY SECTION (Amending WSR 97-12-075, filed 6/4/97, effective 7/5/97)

WAC 16-662-105 Adoption—Weighing and measuring equipment requirements—Package checking—Packaging and labeling—Method of sale—Price verification.

(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment shall be those contained in the ((1997)) 1998 Edition of the National Institute of Standards and Technology (NIST) Handbook 44, published by the U.S. Department of Commerce, entitled the *National Institute of Standards and Technology Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices*.

(2) The procedures for checking the accuracy of the net contents of packaged goods shall be those contained in the Third Edition of National Bureau of Standards (NBS) Handbook 133 published by the United States Department of Commerce, entitled the *National Bureau of Standards Handbook 133 - Third Edition - Checking the Net Contents of Packaged Goods* as modified by NIST Handbook 133 Supplements 1, 2, 3, and 4, issued in 1990, 1991, 1992, and 1994 respectively.

(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification shall be those contained in the ((1997)) 1998 Edition of National Institute of Standards and Technology Handbook 130, entitled the *NIST Handbook 130 - Uniform Laws And Regulations in the areas of legal metrology and motor fuel quality*, specifically:

PERMANENT

(a) Weights and measures requirements for all food and nonfood commodities in package form shall be the *Uniform Packaging and Labeling Regulation* requirements as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((1997)) 1998 Edition.

(b) Weights and measures requirements for the method of sale of food and nonfood commodities shall be those found in the *Uniform Regulation for the Method of Sale of Commodities* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((1997)) 1998 Edition.

(c) Weights and measures requirements for price verification shall be the *Examination Procedures for Price Verification* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((1997)) 1998 Edition.

AMENDATORY SECTION (Amending WSR 97-12-075, filed 6/4/97, effective 7/5/97)

WAC 16-662-115 Modifications to NIST Handbook 130. The following modifications are made to the *Uniform Regulation for the Method of Sale of Commodities* requirements published in NIST Handbook 130, identified in WAC 16-662-105 (3)(b):

~~(1) ((Section 2.5. Peat and Peat Moss. Modify Section 2.5.2.2. Cubic Measure by deleting the struck through words as follows: 2.5.2.2. Cubic Measure. — Peat and peat moss sold in terms of cubic measures shall be offered and exposed for sale only in liters and/or cubic feet. If the commodity is labeled in terms of compressed cubic measurement, the quantity declaration shall represent the quantity in the compressed state.~~

~~(2))~~ Section 2.20. Gasoline-Oxygenate Blends. Delete Section 2.20 because requirements for this subject are addressed in RCW 19.94.505 and chapter 16-657 WAC.

~~((3))~~ (2) Section 2.23. Animal Bedding. Add a new subsection 2.23.1. Sawdust, Barkdust, Decorative Wood Particles, and Similar Products. As used in this subsection, "unit" means a standard volume equal to 200 cubic feet. Quantity representations for sawdust, barkdust, decorative wood particles, and similar loose bulk materials when advertised, offered for sale, or sold within the state of Washington shall be in terms of cubic measure or units and fractions thereof.

WSR 98-13-073

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed June 15, 1998, 3:03 p.m.]

Date of Adoption: June 10, 1998.

Purpose: Change the method of sale of propane in cylinders of less than two hundred pounds water capacity to allow sales on an exchange basis.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-659-001 and amending WAC 16-659-010.

Statutory Authority for Adoption: RCW 19.94.340 and [19.94].390.

Adopted under notice filed as WSR 98-10-119 on May 6, 1998.

Changes Other than Editing from Proposed to Adopted Version: The language in WAC 16-659-010 (5)(a) was revised for clarification. In the fifth sentence the words "by the package or container" were deleted.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 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.

June 10, 1998

James M. Jesernig

Director

NEW SECTION

WAC 16-659-002 Purpose. The department of agriculture promulgates this chapter to implement the provisions of RCW 19.94.340. The provisions allow the director to issue reasonable rules as necessary to assure that the amounts of commodities sold are determined in accordance with good commercial practice and are determined and represented to be accurate and informative to all interested parties.

AMENDATORY SECTION (Amending Order 1142, filed 2/27/70, effective 4/1/70)

WAC 16-659-010 Liquefied petroleum gas. (1) Liquefied petroleum gas shall be sold or exposed for sale at retail only by avoirdupois weight, specified in pounds; liquid measure, specified in gallons; or vapor, specified in cubic feet.

(2) When sold by weight or by liquid measure or in units of cubic feet, it shall be dispensed and sold only by the use of such devices that conform to the ~~((specifications, tolerances, rules and regulations set forth in National Bureau of Standards Handbook 44, 3rd Edition))~~ requirements set forth in National Institute of Standards and Technology Handbook 44, edition specified in chapter 16-662 WAC.

(3) Liquefied petroleum gas sold or delivered to a consumer by liquid measure shall be corrected to a temperature of 60 F with an automatic correction device, or the quantity

delivered shall be corrected to a temperature of 60 F in accordance with the volume correction factor table for liquefied petroleum gases set forth in subsection (6) of this chapter. When the delivery is made through a meter automatically corrected for temperature, the retail sales ticket shall show the meter adjusted gallons delivered and state that the temperature correction was made automatically. When the delivery is made through a meter not corrected automatically, the retail sales ticket shall show the metered gallons delivered and the temperature of the liquid at the time of delivery, the volume correction factor and the corrected gallonage: *Provided*, That this section shall be applicable to new equipment, equipment that has changed ownership or equipment used in the state of Washington for the first time after the effective date of this section. This subsection shall be applicable to all other equipment and with respect to the manual issuances of sales tickets as of January 1, 1969. This subsection shall not apply to unit sales or deliveries made direct to fuel tanks on trucks and automobiles operated on highways, or to containers of less than 200 pound water capacity.

(4) If a device is equipped with an automatic temperature compensator, this shall be connected, operable, and used at all times. Such automatic temperature compensator may not be removed, nor may a compensated device be replaced with an uncompensated device, without the written approval of the weights and measures authority having jurisdiction over the device. Nothing in this subsection shall prohibit the removal of a meter or temperature compensator for repair providing notice of such removal for repair shall be given the weights and measures office in Olympia within three working days.

(5)(a) Containers, including I.C.C. cylinders, with water capacity less than 200 pounds, shall be charged and sold by weight or by metered measure, except containers excluded by law or regulation. The tare weight of the container and the net weight of the contents shall be plainly and conspicuously marked on the outside of the container or on a label firmly attached thereto. This subsection shall not be construed to require the net weight to be labeled on a container that is being filled at the time of sale. Tare weight shall not be construed to include the valve protecting cap which shall be removed when weighing. When liquefied petroleum gas is sold ~~((by the package or container, either))~~ by refilling of a container ~~((or an exchange of containers,))~~ the vendor shall give the purchaser full credit for the unused liquid remaining in the container being ~~((exchanged or))~~ refilled. When liquefied petroleum gas is sold by an exchange of containers the vendor shall specify conspicuously on a label firmly attached to the container the following: Tare weight of the container, the net weight of the contents and the name and address of the facility where the tank was filled. The address shall include the street address, city, state and zip code. Tare weight shall not be construed to include the valve protecting cap. The cap shall be removed when weighing.

(b) A delivery ticket shall be issued at the time of filling and shall set forth the exact amount of liquefied petroleum gas dispensed in terms of weight or if converted to gallons the weight factor used in such conversion. Any service charge shall be shown separately on the delivery ticket but may be included in the total price.

(c) When sold by weight, the tare weight, any unused portion and/or the net weight shall be determined only on devices that are adequately protected from wind and weather conditions that will assure normal accuracy.

(6) Volume correction factor table.

Specific Gravity at 60 F/60 F

[CODIFICATION NOTE: THE GRAPHIC PRESENTATION OF THESE TABLES HAS BEEN VARIED SLIGHTLY IN ORDER THAT THEY WOULD FALL WITHIN THE PRINTING SPECIFICATIONS FOR THE WASHINGTON ADMINISTRATIVE CODE. THE FOLLOWING TABLE WAS TOO WIDE TO BE ACCOMMODATED IN THE WIDTH OF THE WAC COLUMN. THE TABLE AS CODIFIED HAS BEEN DIVIDED INTO TWO TABLES COVERING THE "SPECIFIC GRAVITY AT 60 F/60 F." PART ONE IS FOR 0.500, 0.5079, 0.510, 0.520, 0.530, AND 0.540. PART TWO IS FOR 0.550, 0.560, 0.5631, 0.570, 0.580, AND 0.5844.]

[PART I—0.500, 0.5079, etc.]

Degrees Fahr	0.500	Propane 0.5079	0.510	0.520	0.530	0.540
VOLUME CORRECTION FACTORS						
-15	1.112	1.109	1.107	1.102	1.097	1.093
-10	1.105	1.102	1.100	1.095	1.091	1.087
-5	1.098	1.094	1.094	1.078	1.085	1.081
0	1.092	1.088	1.088	1.084	1.080	1.076
2	1.089	1.086	1.085	1.081	1.077	1.074
4	1.086	1.083	1.082	1.079	1.075	1.071
6	1.084	1.080	1.080	1.076	1.072	1.069
8	1.081	1.078	1.077	1.074	1.070	1.066
10	1.078	1.075	1.074	1.071	1.067	1.064
12	1.075	1.072	1.071	1.068	1.064	1.061
14	1.072	1.070	1.069	1.066	1.062	1.059
16	1.070	1.067	1.066	1.063	1.060	1.056
18	1.067	1.065	1.064	1.061	1.057	1.054
20	1.064	1.062	1.061	1.058	1.054	1.051
22	1.061	1.059	1.058	1.055	1.052	1.049
24	1.058	1.056	1.055	1.052	1.049	1.046
26	1.055	1.053	1.052	1.049	1.047	1.044
28	1.052	1.050	1.049	1.047	1.044	1.041
30	1.049	1.047	1.046	1.044	1.041	1.039
32	1.046	1.044	1.043	1.041	1.038	1.036
34	1.043	1.041	1.040	1.038	1.036	1.034
36	1.039	1.038	1.037	1.035	1.033	1.031
38	1.036	1.035	1.034	1.032	1.031	1.029
40	1.033	1.032	1.031	1.029	1.028	1.026
42	1.030	1.029	1.028	1.026	1.025	1.023
44	1.027	1.026	1.025	1.023	1.022	1.021
46	1.023	1.022	1.022	1.021	1.020	1.018

PERMANENT

[PART 1—0.500, 0.5079, etc.]

Degrees Fahr	Propane					
	0.500	0.5079	0.510	0.520	0.530	0.540
VOLUME CORRECTION FACTORS						
48	1.020	1.019	1.019	1.018	1.017	1.016
50	1.017	1.016	1.016	1.015	1.014	1.013
52	1.014	1.013	1.012	1.012	1.011	1.010
54	1.010	1.010	1.009	1.009	1.008	1.007
56	1.007	1.007	1.006	1.006	1.005	1.005
58	1.003	1.003	1.003	1.003	1.003	1.002
60	1.000	1.000	1.000	1.000	1.000	1.000
62	0.997	0.997	0.997	0.997	0.997	0.997
64	0.993	0.993	0.994	0.994	0.994	0.994
66	0.991	0.990	0.990	0.990	0.991	0.992
68	0.986	0.986	0.987	0.987	0.988	0.989
70	0.983	0.983	0.984	0.984	0.985	0.986
72	0.979	0.980	0.981	0.981	0.982	0.983
74	0.976	0.975	0.977	0.978	0.980	0.980
76	0.972	0.973	0.974	0.975	0.977	0.978
78	0.969	0.970	0.970	0.972	0.974	0.975
80	0.965	0.966	0.967	0.969	0.971	0.972
82	0.961	0.963	0.963	0.966	0.968	0.969
84	0.957	0.959	0.960	0.962	0.965	0.966
86	0.954	0.956	0.956	0.959	0.961	0.964
88	0.950	0.952	0.953	0.955	0.958	0.961
90	0.946	0.949	0.949	0.952	0.955	0.958
92	0.942	0.945	0.946	0.949	0.952	0.955
94	0.938	0.941	0.942	0.946	0.949	0.952
96	0.935	0.938	0.939	0.942	0.946	0.949
98	0.931	0.934	0.935	0.939	0.943	0.946
100	0.927	0.930	0.932	0.936	0.940	0.943
105	0.918	0.920	0.923	0.927	0.932	0.935
110	0.907	0.911	0.913	0.918	0.923	0.927
115	0.897	0.901	0.904	0.910	0.915	0.920
120	0.887	0.892	0.894	0.900	0.907	0.912

To convert from measured volume at another temperature to net volume at 60°F: Measure the volume and temperature. Determine the gravity at 60°F. Refer to the column corresponding to this gravity and read the volume conversion factor opposite the observed temperature. Multiply the observed volume by this factor to obtain the volume at 60°F.

[PART 2—0.550, 0.560, etc.]

Degrees Fahr	iso-Butane				N-Butane	
	0.550	0.560	0.5631	0.570	0.580	0.5844
VOLUME CORRECTION FACTORS						
-15	1.089	1.084	1.083	1.080	1.077	1.075
-10	1.083	1.079	1.078	1.075	1.072	1.071
-5	1.077	1.074	1.073	1.070	1.067	1.060
0	1.073	1.069	1.068	1.066	1.063	1.062
2	1.070	1.067	1.066	1.064	1.061	1.060
4	1.068	1.065	1.064	1.062	1.059	1.058
6	1.065	1.062	1.061	1.059	1.057	1.055
8	1.063	1.060	1.059	1.057	1.055	1.059
10	1.061	1.058	1.057	1.055	1.053	1.051
12	1.059	1.056	1.055	1.053	1.051	1.049
14	1.056	1.053	1.053	1.051	1.049	1.047
16	1.054	1.051	1.050	1.048	1.046	1.045
18	1.051	1.049	1.048	1.046	1.044	1.043
20	1.049	1.046	1.046	1.044	1.042	1.041
22	1.046	1.044	1.044	1.042	1.040	1.040
24	1.044	1.042	1.042	1.040	1.038	1.037
26	1.042	1.039	1.039	1.037	1.036	1.036
28	1.039	1.037	1.037	1.035	1.034	1.034
30	1.037	1.035	1.035	1.033	1.032	1.032
32	1.035	1.033	1.033	1.031	1.030	1.030
34	1.032	1.031	1.030	1.029	1.028	1.028
36	1.030	1.028	1.028	1.027	1.025	1.025
38	1.027	1.026	1.025	1.025	1.023	1.023
40	1.025	1.024	1.023	1.023	1.021	1.021
42	1.023	1.022	1.021	1.021	1.019	1.019
44	1.020	1.019	1.019	1.018	1.017	1.017
46	1.018	1.017	1.016	1.016	1.015	1.015
48	1.015	1.014	1.014	1.013	1.013	1.013
50	1.013	1.012	1.012	1.011	1.011	1.011
52	1.101	1.009	1.009	1.009	1.009	1.009
54	1.007	1.007	1.007	1.007	1.006	1.006
56	1.005	1.005	1.005	1.005	1.004	1.004
58	1.002	1.002	1.002	1.002	1.002	1.002
60	1.000	1.000	1.000	1.000	1.000	1.000
62	0.997	0.998	0.998	0.998	0.998	0.998
64	0.995	0.995	0.995	0.995	0.996	0.996
66	0.992	0.993	0.993	0.993	0.993	0.993
68	0.990	0.990	0.990	0.990	0.991	0.991
70	0.987	0.988	0.988	0.988	0.989	0.989
72	0.984	0.985	0.986	0.986	0.987	0.987
74	0.982	0.983	0.983	0.984	0.985	0.985

PERMANENT

[PART 2—0.550, 0.560, etc.]

Degrees Fahr	iso-Butane					N-Butane
	0.550	0.560	0.5631	0.570	0.580	0.5844
VOLUME CORRECTION FACTORS						
76	0.979	0.980	0.981	0.981	0.982	0.982
78	0.977	0.978	0.978	0.979	0.980	0.980
80	0.974	0.975	0.976	0.977	0.978	0.978
82	0.971	0.972	0.973	0.974	0.976	0.976
84	0.968	0.970	0.971	0.972	0.974	0.974
86	0.966	0.967	0.968	0.969	0.972	0.972
88	0.963	0.965	0.966	0.967	0.969	0.969
90	0.960	0.962	0.963	0.964	0.967	0.967
92	0.957	0.959	0.960	0.962	0.964	0.965
94	0.954	0.957	0.958	0.959	0.962	0.962
96	0.952	0.954	0.955	0.957	0.959	0.960
98	0.949	0.952	0.953	0.954	0.957	0.957
100	0.946	0.949	0.950	0.952	0.954	0.955
105	0.939	0.943	0.943	0.946	0.949	0.949
110	0.932	0.936	0.937	0.939	0.943	0.944
115	0.925	0.930	0.930	0.933	0.937	0.938
120	0.918	0.923	0.924	0.927	0.931	0.932

To convert from measured volume at another temperature to net volume at 60°F: Measure the volume and temperature. Determine the gravity at 60°F. Refer to the column corresponding to this gravity and read the volume conversion factor opposite the observed temperature. Multiply the observed volume by this factor to obtain the volume at 60°F.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-659-001 Promulgation.

**WSR 98-13-074
PERMANENT RULES
DEPARTMENT OF AGRICULTURE**

[Filed June 15, 1998, 3:05 p.m.]

Date of Adoption: June 10, 1998.

Purpose: This rule would change the signage requirements for posting the alcohol content of motor fuel. The rule change prescribes the minimum size of the lettering.

Citation of Existing Rules Affected by this Order:
Amending WAC 16-657-040.

Statutory Authority for Adoption: RCW 19.94.505.

Adopted under notice filed as WSR 98-10-120 on May 6, 1998.

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.

June 10, 1998

James M. Jesernig
Director

AMENDATORY SECTION (Amending Order 1829, filed 5/30/84)

WAC 16-657-040 Posting of alcohol blend gasolines.

(1) All retail motor fuel devices dispensing alcohol blend gasolines shall state on the face of the device that alcohol ingredients are contained therein. The statement shall disclose what alcohol products are included, i.e., methyl alcohol, ethyl alcohol, and the percentage of alcohol that is contained therein. The statement shall be conspicuously posted in ~~((gothic letters at least one inch in height))~~ **letters at least one-half inch in height, at least one-sixteenth inch in stroke, in contrasting letters, in a location as to be easily seen by consumers and in the following format:**

CONTAINS _____% ethyl/methyl ALCOHOL

(2) The percentage of alcohol disclosed on the dispensing device shall be the ratio between the amount of ethyl alcohol, or methyl alcohol including co-solvents or proprietary inhibitors, or any other alcohol, to the total product volume.

**WSR 98-13-075
PERMANENT RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES**

[Filed June 15, 1998, 3:26 p.m.]

Date of Adoption: June 12, 1998.

PERMANENT

Purpose: To include housing authorities among the political subdivisions of the state supporting the administration of the state's certification program.

Citation of Existing Rules Affected by this Order: Amending WAC 326-02-034 Political subdivision fees.

Statutory Authority for Adoption: RCW 39.19.030(17).

Adopted under notice filed as WSR 97-24-117 on December 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 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.

June 12, 1998

James A. Medina
Director

AMENDATORY SECTION (Amending WSR 97-17-045, filed 8/14/97, effective 9/15/97)

WAC 326-02-034 Political subdivision fees. (1) It is the intent of the state legislature that political subdivisions within the state of Washington contribute to the costs of the state's certification program for minority and women's business enterprises. For the purpose of this section, political subdivisions means any city, town, county, special purpose district, public corporation created by the state, municipal corporation, or quasi-municipal corporation within the state of Washington that administers a policy or program, or funds from whatever source, which requires or encourages the use of certified minority, women, or disadvantaged business enterprises.

(2) Effective July 1, 1993, the office shall allocate a portion of its biennial operational costs to political subdivisions. Each political subdivision shall pay a percentage of this allocation based on the formula set forth in subsection (3) of this section.

(3) The fee charged to each political subdivision for the period, July 1, 1997 - June 30, 1999, and subsequent bienniums unless revised by rule, will be calculated as follows:

(a)(i) Cities with populations up to one thousand five hundred will not be charged.

(ii) Cities with populations of one thousand five hundred to twenty-five thousand will be charged one hundred dollars each.

(iii) Cities with populations of twenty-five thousand to fifty thousand will be charged two hundred dollars each.

(iv) Cities with populations over fifty thousand will be charged based on the formula set forth in subsection (4) of this section.

(b)(i) Counties with populations up to ten thousand will not be charged.

(ii) Counties with populations of ten thousand to one hundred thousand will be charged one hundred dollars each.

(iii) Counties with populations of one hundred thousand to five hundred thousand will be charged two hundred dollars each.

(iv) Counties with populations over five hundred thousand will be charged based on the formula set forth in subsection (4) of this section.

(c)(i) Ports with revenues up to two million dollars will not be charged.

(ii) Ports with revenues of two million dollars to ten million dollars will be charged two hundred dollars each.

(iii) Ports with revenues over ten million dollars will be charged based on the formula set forth in subsection (4) of this section.

(d)(i) Educational service districts and public school districts with enrollments up to one thousand will not be charged.

(ii) Educational service districts and public school districts with enrollments of one thousand to ten thousand will be charged one hundred dollars each.

(iii) Educational service districts and public school districts with enrollments of ten thousand to twenty thousand will be charged two hundred dollars each.

(iv) Educational service districts and public school districts with enrollments over twenty thousand will be charged based on the formula set forth in subsection (4) of this section.

(e)(i) Transit authorities with capital expenditures less than one hundred thousand dollars will not be charged.

(ii) Transit authorities with capital expenditures of one hundred thousand dollars to one million dollars will be charged one hundred dollars each.

(iii) Transit authorities with capital expenditures of one million dollars to ten million dollars will be charged two hundred dollars each.

(iv) Transit authorities with capital expenditures greater than ten million dollars will be charged based on the formula set forth in subsection (4) of this section.

(f)(i) Housing authorities that own or manage less than three hundred total units will not be charged.

(ii) Housing authorities that own or manage three hundred to nine hundred ninety-nine total units will be charged one hundred dollars each.

(iii) Housing authorities that own or manage one thousand to four thousand nine hundred ninety-nine total units will be charged two hundred dollars each.

(iv) Housing authorities that own or manage five thousand or more units will be charged based on the formula set forth in subsection (4) of this section.

(4) Each political subdivision not subject to a fixed fee under subsection (3) of this section shall report to the office the total dollars committed to certified businesses in construction (including direct awards, subcontracts, and related

PERMANENT

suppliers) during the previous biennium or its fiscal years ending in the previous biennium.

(a) The construction dollar commitment of each political subdivision will be divided by the sum of those commitments reported to calculate its proportionate share of the net allocation. The net allocation is the amount remaining after deduction of the amounts charged under subsection (3) of this section from the total allocated to all political subdivisions.

(b) The percentage calculated for each reporting political subdivision will be applied to the total due from all political subdivisions required to report to determine their respective fees: *Provided*, That the fee charged under this subsection shall be no less than the highest flat fee charged to a political subdivision in subsection (3) of this section.

(c) When a political subdivision fails to report as required by this section, the net allocation will be further reduced by an amount calculated as follows:

(i) The number of political subdivisions reporting will be divided by the total number of political subdivisions required to report at that time.

(ii) The resulting percentage will be used to calculate the portion of the net allocation due from the political subdivisions which is to be apportioned among those who reported. The balance of the net allocation will be charged equally among those who fail to report.

(5) After the initial billing, which will include the total amount due for the biennium beginning July 1, 1997, the office will mail invoices on a quarterly basis one month before the start of each quarter for the outstanding balance at that time. Payments shall be due within thirty calendar days after receipt of the invoice.

WSR 98-13-094

PERMANENT RULES

INSURANCE COMMISSIONER'S OFFICE

[Insurance Matter No. R 98-11—Filed June 16, 1998, 4:55 p.m.]

Date of Adoption: June 15, 1998.

Purpose: To update and clarify chapter 284-58 WAC, regulations pertaining to form filings.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-58-270 and 284-58-280; and amending WAC 284-58-010, 284-58-020, 284-58-250, and 284-58-260.

Statutory Authority for Adoption: RCW 48.02.060.

Adopted under notice filed as WSR 98-08-098 on April 1, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 15, 1998

Greg J. Scully

Chief Deputy Commissioner

AMENDATORY SECTION (Amending Order R 82-5, filed 11/5/82)

WAC 284-58-010 Title and purpose. (1) This chapter, WAC 284-58-010 through ~~((284-58-280))~~ 284-58-260, shall be known and may be cited as the Washington state form filing requirements.

(2) The purpose of this chapter is to:

(a) Establish the necessary contents of a form filing, including the documents to be used in connection with a form filing~~((, to))~~;

(b) Designate the types of policy forms which may not be filed by certification ~~((pursuant to))~~ under RCW 48.18.100(2)(~~(;))~~; and(~~(;))~~

(c) With respect to disability insurance, ~~((to))~~ establish the filing requirements with respect to manuals of classification, manual of rules and rates, and modifications thereof.

~~((3) The fees for filing both forms and rates, and the definitions of such filings for purposes of determining the proper filing fees, are set forth in WAC 284-14-010.)~~

AMENDATORY SECTION (Amending Order R 82-5, filed 11/5/82)

WAC 284-58-020 Scope ~~((and general contents))~~. (1) This regulation applies to all insurers and to all forms required to be filed with the commissioner ~~((pursuant to))~~ under RCW 48.18.100, and to all manuals of classification, manuals of rules and rates and modifications ~~((thereof))~~ required to be filed with respect to disability insurance ~~((pursuant to))~~ under RCW 48.19.010(2).

(2) RCW 48.18.100 establishes ~~((two))~~ three basic types of form filings. The first type contemplates the approval of the commissioner. The second type contemplates a filing containing a certification, which permits the insurer to use the form without approval, immediately after the filing. The third type, for commercial property casualty forms, permits the insurer to use forms thirty days before filing. The first, or approval, type of filing requires the commissioner to act within ~~((fifteen days))~~ thirty (or ~~((thirty))~~ forty-five days, if extended ~~((pursuant to))~~ under RCW 48.18.100(3)), and, if the form has not been either approved or disapproved during such time period, the form is deemed approved and may be used by the insurer. In either case, the commissioner may subsequently withdraw approval or stop the use of a form for cause.

~~((3) This chapter is divided into the following parts:~~

~~(a) The general contents of a life or disability insurance form filing and the reporting documents to be used are set forth in WAC 284-58-030 through 284-58-060.~~

~~(b) Designations of the types of life and disability insurance forms which may and may not be filed by the "certification" procedure are found in WAC 284-58-070 through 284-58-180.~~

~~(c) Procedures and forms for the certification of life and disability insurance forms and rates begin with WAC 284-58-190.~~

~~(d) The general contents of a form filing for property and casualty or kinds of insurance other than life and disability, required to be made pursuant to RCW 48.18.100, are set forth in WAC 284-58-250.~~

~~(e) Designation of the types of forms for insurances other than life and disability which may not be filed by the "certification" procedure is set forth in WAC 284-58-260.~~

~~(f) The form to be used for the certification of forms for insurances other than life and disability is set forth in WAC 284-58-280.)~~

AMENDATORY SECTION (Amending Matter No. R 96-1, filed 5/2/96, effective 6/2/96)

WAC 284-58-250 General contents of a form filing for property and casualty insurance and kinds of insurance other than life and disability. (1) Each nonelectronic format form filing for property and casualty insurance or kinds of insurance other than life and disability (whether for approval or by certification, shall) must be submitted with the filing transmittal forms prescribed by and available from the commissioner. ((In addition, the filing shall include, if applicable, a completed certification form as prescribed in WAC 284-58-270 and the printed form or forms, in duplicate. Use of a standardized transmittal form makes it easier for the commissioner to identify filings, issuers, and other important identifying information; permits more efficient tracking of filings; and makes it less difficult to provide status reports of filings to persons outside the office. 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.)) The transmittal forms must be completed according to the instructions provided by the insurance commissioner.

(2) Each electronic format form filing for property and casualty insurance of kinds of insurance other than life and disability must be submitted by the method and format prescribed by the commissioner.

(3) Each form must have a unique identifying number and a way to distinguish new editions.

(4) If a form being filed is a revision or replacement of any existing form, the filing shall specify the change and provide the reason for the change.

(5) Separate filings must be submitted for each line of insurance. However, forms properly used for more than one line of insurance may be submitted in one multipurpose filing.

(6) Form filings must be submitted separately from rate and rule filings.

(7) Filings are considered filed the date they are received by the insurance commissioner. Incomplete filings will be returned to the filer and will not be regarded as filed.

AMENDATORY SECTION (Amending Order R 82-5, filed 11/5/82)

WAC 284-58-260 Designation of forms for insurances (~~other than life and disability~~) which may not be filed by certification. ((1) Except as provided in subsection (2) of this section, every property or casualty insurance policy form and endorsement pertaining to the following types of insurance must be filed for approval and may not be filed through the certification process:

- (a) Fire and allied lines;
- (b) Farmowners multiple peril;
- (c) Homeowners multiple peril;
- (d) Commercial multiple peril;
- (e) Inland marine;
- (f) Professional liability;
- (g) Earthquake;
- (h) Private passenger automobile;
- (i) Commercial automobile;
- (j) General liability;
- (k) Glass;
- (l) Crime coverage;
- (m) Boiler and machinery; and
- (n) Credit.

(2) Whenever a policy form or endorsement identified in subsection (1) of this section has been filed by a rating organization with, and approved by, the commissioner, a form with identical substantive wording may be filed by an individual insurance company by the certification process.)) Forms may not be filed by certification for the types of insurance defined by RCW 48.11.040 through 48.11.100.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-58-270 Certification form to be used for property and casualty insurance.

WAC 284-58-280 Form to be used for certification of property or casualty insurance form filings.

WSR 98-13-095

PERMANENT RULES

INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-10—Filed June 16, 1998, 4:56 p.m.]

Date of Adoption: June 15, 1998.

Purpose: To update and clarify chapter 284-19 WAC, rules relating to the Washington essential property insurance and placement program.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-19-030; and amending WAC 284-19-010, 284-19-020, 284-19-040, 284-19-050, 284-19-060, 284-19-070, 284-19-080, 284-19-090, 284-19-100, 284-19-110, 284-19-120, 284-19-130, 284-19-140, 284-19-150, 284-19-160, 284-19-170, and 284-19-180.

Statutory Authority for Adoption: RCW 48.02.060.

Adopted under notice filed as WSR 98-08-097 on April 1, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 17, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 15, 1998

Greg J. Scully

Chief Deputy Commissioner

AMENDATORY SECTION (Amending Order R-69-1, filed 1/28/69)

WAC 284-19-010 Title. These rules and regulations ~~((shall be entitled))~~ are titled the **Washington essential property insurance inspection and placement program** ~~((hereinafter))~~ referred to as the program).

AMENDATORY SECTION (Amending Order R-69-1, filed 1/28/69)

WAC 284-19-020 Purposes of program. The purposes of the program are:

- (1) To assure stability in the property insurance market of this state.
- (2) To encourage maximum use, in obtaining essential property insurance, of the available, normal insurance market provided by authorized insurers.
- (3) To make essential property insurance available where it cannot be obtained through the normal insurance market, subject to the conditions ~~((hereinafter))~~ stated in this chapter.
- (4) To encourage the improvement of the condition of properties located in the urban areas of the state of Washington and to further orderly community development ~~((generally))~~.
- (5) To establish a FAIR plan (fair access to insurance requirements), an industry placement facility and a joint reinsurance association for the equitable distribution and place-

ment of risks among insurers in the manner and subject to the conditions ~~((hereinafter))~~ stated in this chapter.

AMENDATORY SECTION (Amending Order R-69-1, filed 1/28/69)

WAC 284-19-040 Participation. Participation in this program ~~((shall be))~~ is mandatory for all insurers and fraternal benefit societies authorized to engage in the property insurance business in this state, who have "premiums written," as defined in this chapter.

AMENDATORY SECTION (Amending Order R-73-2, filed 3/30/73)

WAC 284-19-050 Definitions. (1) "Insurer" means any insurance company or other organization licensed to write and engage in writing property insurance business, including the property insurance components of multiperil policies, on a direct basis, in this state.

(2) "Essential property insurance" means the coverage against direct loss to real and tangible personal property at a fixed location that is provided in the standard fire policy and extended coverage endorsement, and shall include also the perils of vandalism and malicious mischief and such additional lines of property insurance as may be designated by ~~((the secretary, or))~~ the commissioner. Essential property insurance specifically includes insurance against direct loss to property which is being constructed or rehabilitated (builder's risk coverage). It does not include automobile insurance ~~((; nor, unless designated by the secretary,))~~ or insurance on farm or manufacturing risks.

(3) "Industry placement facility" ~~((hereinafter))~~ referred to as the facility) means the organization formed by insurers to assist applicants in urban areas in securing essential property insurance and to administer the FAIR plan and the joint reinsurance association.

(4) "Inspection bureau" means the Washington Surveying and Rating Bureau.

(5) "Urban area" includes the following municipalities and counties and such additional counties, municipalities, and definitive political subdivisions ~~((therein))~~ as may be added ~~((from time to time))~~ by the commissioner ~~((or the secretary))~~:

Pasco	-	All
King County	-	All
Tacoma	-	All

(6) "Premiums written" means gross direct premiums (excluding that portion of premiums on risks ceded to the joint reinsurance association) charged during the second preceding calendar year with respect to property in this state on all policies of property insurance and property insurance components of all multiperil policies, as defined and computed by the facility, less return premiums, dividends paid or credited to policyholders, or the unused or unabsorbed portions of premium deposits.

PERMANENT

(7) A "service insurer" (~~(shall be)~~ means any company designated by the facility and approved by the commissioner to issue policies under this program.

(8) "Commissioner" means the commissioner of insurance of the state of Washington.

~~((9) "Secretary" means the Secretary, U.S. Department of Housing and Urban Development.~~

~~((10) "The act" means the Urban Property Protection and Reinsurance Act of 1968, 82 Stat. 555, Public Law 90-448, as amended.)~~

AMENDATORY SECTION (Amending Order R-69-1, filed 1/28/69)

WAC 284-19-060 FAIR plan—Inspections and reports. (1) Any person having an insurable interest in real or tangible personal property at a fixed location in an urban area (~~(shall be)~~ is entitled (~~(, upon application therefor to the facility,)~~) to an inspection of the property by the inspection bureau at no cost (~~(to the applicant),~~) upon application to the facility. The inspection may be requested by the property owner (~~(or his representative),~~) a representative of the property owner, the insurer, or the insurance producer and need not be in writing. Requests for inspections shall be transcribed on a form approved by the facility. A deposit premium (~~(shall)~~ is not (~~(be)~~) required as a precondition to inspection.

(2) The owner of the building need not be present for a tenant to obtain an inspection, but the inspection bureau must be provided full access to the property for which insurance is sought.

(3) An inspection report shall be made for each property inspected. The report shall cover pertinent structural and occupancy features as well as the general condition of the building and surrounding structures. A representative photograph of the property may be taken during the inspection.

(4) During the inspection, the inspector shall point out features of structure and occupancy to the applicant or (~~(his)~~) a representative of the applicant, if present, and shall indicate those features which may result in condition charges if the risk is accepted. The inspector (~~(shall have)~~) has no authority to advise whether (~~(any insurer)~~) the facility will provide the coverage.

~~((After the inspection a copy of the completed inspection report, and any photograph, indicating the pertinent features of building, construction, maintenance, occupancy and surrounding property shall be sent within five business days to the facility for distribution to a service insurer. The person requesting the inspection report may designate the service insurer to which the inspection report is to be referred.~~

~~(6) Included with))~~ The report shall (~~(be)~~) include a rate make-up statement, including any condition charges or surcharges imposed by inspection or under the program, or under any standard rating plan approved by the commissioner. A copy of the inspection report shall be made available to the applicant or (~~(his)~~) the applicant's agent upon request.

AMENDATORY SECTION (Amending Order R 79-3, filed 7/11/79)

WAC 284-19-070 FAIR plan business—Distribution and placement. (1) The facility (~~(may)~~) shall not require (~~(, as a precondition to the placement of business under the FAIR plan,)~~) that the applicant (~~(make a showing)~~) demonstrates that he or she is unable to obtain insurance in the normal market, (~~(but)~~) as a precondition to the placement of business under the FAIR plan. The facility, however, may require an agent or broker to furnish (~~(the facility with)~~) copies of documents or information showing what effort was made by (~~(such)~~) the agent or broker to obtain insurance in the normal market (~~(, and),~~) The facility shall forward to the commissioner the names of (~~(such)~~) agents or brokers who fail to cooperate or who appear to fail to make reasonable efforts on behalf of applicants for insurance to obtain insurance in the normal market.

(2) (~~(Thereafter, the facility, upon receipt of an application for coverage and the corresponding inspection report from the inspection bureau, shall assign such application to the service insurer designated by the applicant or by his agent, or if no service insurer is so designated, it shall assign the application to a service insurer, keeping the assignments evenly distributed, based on the volume of property insurance writings in this state of the various service insurers.~~

~~(3))~~ Assessments upon each insurer participating in this program shall be levied by the facility on the same percentage allocation basis as (~~(such)~~) the insurer's premiums written bears to the total of all premiums written by all insurers participating in the program.

(a) The maximum limit of liability (~~(which)~~) that may be placed through this program on any one property at one location is \$1,500,000. The facility (~~(shall)~~) undertakes the responsibility of seeking to place that portion of a risk (~~(which)~~) that exceeds \$1,500,000.

(b) The term "at one location" as used (~~(herein)~~) in this chapter refers to real and personal property consisting of and contained in a single building, or consisting of and contained in contiguous buildings under one ownership.

AMENDATORY SECTION (Amending Order R-69-1, filed 1/28/69)

WAC 284-19-080 Procedure after inspection and submission. (1) (~~(Any service insurer to which a risk is referred by the facility shall,)~~) Within three business days after receipt of the inspection report (~~(and application, complete an action report and return the same to),~~) the facility (~~(advising that)~~) shall notify the insured and the agent that:

- (a) The risk is acceptable; or
- (b) The risk will be acceptable if the improvements noted in the action report are made by the applicant and confirmed by reinspection; or
- (c) The risk is not acceptable for the reasons stated in the action report.

(2) If the risk is accepted by the (~~(designated service insurer)~~) facility, and upon receipt of premium, the policy or binder shall be delivered within two business days. (~~(No producer shall have authority to bind the facility or any service~~

~~insurer for any risk eligible for this program until acceptance of the risk and payment of premium.)~~ No coverage shall commence until the application is accepted and the premium paid to the facility.

(3) In the event a risk is declined because it fails to meet reasonable underwriting standards, the facility will so notify the applicant and the commissioner. Reasonable underwriting standards shall include ~~(, but not be limited to,)~~ the following:

(a) Physical condition of the property, such as its construction, heating, wiring, evidence of previous fires or general deterioration;

(b) Its present use or housekeeping, such as vacancy, overcrowding, storage of rubbish or flammable materials;

(c) Other specific characteristics of ownership, condition, occupancy or maintenance which are violative of public policy and result in unreasonable exposures to loss. Neighborhood or area location or any environmental hazard beyond the control of the property owner ~~((shall not be deemed to be))~~ is not an acceptable criterion for declining a risk.

(4) ~~((In the event))~~ If the risk is conditionally declined because the property does not meet reasonable underwriting standards, but can be improved to meet such standards, the facility shall promptly advise the applicant and the commissioner what improvements noted in the action report should be made to the property. Upon completion of the improvements by the applicant or property owner, the facility ~~((, when so notified,))~~ will have the property promptly reinspected ~~((and furnish the new inspection report to the previously designated service insurer)).~~

(5) If the inspection of the property reveals that there are one or more substandard conditions, surcharges ~~((may))~~ shall be imposed in conformity with the substandard rating plan approved by the commissioner. In this event, the facility shall advise the applicant of what improvements, if any, ~~((he))~~ the applicant may make to bring ~~((his))~~ the property to insurable condition at uncharged rates.

~~((6) Any insurer, which is a member of a group of insurers under the same management or ownership, to which a referral is made under the program, may apply in behalf of the group for a combined distribution and placement quota under the program. Such group shall have the option of designating the insurer within the group to which the risk shall be referred:))~~

AMENDATORY SECTION (Amending Order R-69-1, filed 1/28/69)

WAC 284-19-090 Joint reinsurance association. (1) A joint reinsurance association ~~((hereinafter))~~ referred to as the association ~~((, is hereby))~~ is created consisting of all insurers.

(2) The association ~~((shall be))~~ is authorized to assume and cede reinsurance on behalf of insurers ~~((and cede reinsurance on behalf of insurers on))~~ for eligible risks written by insurers through the FAIR plan. The reinsurance assumed by the association ~~((shall be for))~~ is 100% of each risk written under this program under \$1,500,000.

(3) Each insurer ~~((shall))~~ participates in the total writings, expenses, profits and losses of the association in proportion to its premiums written.

(4) ~~((In the event))~~ If any reinsuring member fails, by reason of insolvency, to pay its proportion of any expense or of any loss as an assuming reinsurer incurred by the facility under the program, ~~((such))~~ the unpaid loss or expense shall be paid by the remaining members ~~((:)).~~ Each ~~((contributing))~~ remaining member contributes in the manner provided for in the distribution of expenses and losses under the program, deleting ~~((therefrom))~~ the proportion of the defaulting member. The facility ~~((shall be))~~ is subrogated to the rights of the remaining members in any liquidation proceeding and ~~((shall have))~~ has full authority on their behalf to exercise such rights in any action or proceeding.

AMENDATORY SECTION (Amending Order R-69-1, filed 1/28/69)

WAC 284-19-100 Standard policy coverage—Coding. All policies issued shall be for essential property insurance on standard policy forms ~~((:)).~~ The policies shall be separately coded ~~((:))~~ and ~~((shall be))~~ issued for a term of one year, at rates ~~((promulgated))~~ set by the inspection bureau under filings approved by the commissioner. Individual company deviation filings shall not apply to risks written under this program.

AMENDATORY SECTION (Amending Order R-69-1, filed 1/28/69)

WAC 284-19-110 Cancellation and nonrenewal under this program. (1) ~~((No insurer shall))~~ The facility shall not cancel or nonrenew a policy ~~((or binder))~~ issued under this program except ~~((for))~~:

(a) For cause which would have been grounds for nonacceptance of the risk under the program had ~~((such))~~ the cause been known to the insurer at the time of acceptance; or

(b) For nonpayment of premium; or

(c) With the approval of the governing committee.

(2) Notice of cancellation or nonrenewal, together with a statement of the reason ~~((therefor))~~, shall be sent to the insured ~~((with a copy sent to the facility)).~~

(3) Any cancellation or nonrenewal notice to the insured shall be accompanied by a statement that the insured has a right of appeal as ~~((hereinafter))~~ provided in WAC 284-19-120.

AMENDATORY SECTION (Amending Order R-69-1, filed 1/28/69)

WAC 284-19-120 Right of appeal. (1) Any applicant or insurer ~~((shall have))~~ has a right of appeal to the committee, including the right to appear in person before the committee, if requested by the party seeking appeal.

(2) A decision of the committee may be appealed to the commissioner.

(3) Each denial of insurance under this program shall be accompanied by a statement setting forth the provisions of this section ~~((AWAC 284-19-120))~~.

(4) Notification of appeal may be made to the committee through the manager of the facility or any member of the committee.

PERMANENT

(5) All appeals to the committee or to the commissioner shall be in writing and must indicate in what respect the applicant feels aggrieved.

(6) ~~((Decisions of))~~ The committee shall make decisions in writing on appeals ~~((to it shall be reduced to writing and shall be rendered))~~ within ~~((at least))~~ 15 business days after notification of appeal is received, unless delayed by mutual consent. The majority of committee members ~~((3))~~ must concur in all decisions adverse to the party seeking appeal.

(7) Appeals to the commissioner under this program ~~((shall))~~, in all other respects not set forth ~~((herein))~~ in this chapter, shall be handled in accordance with chapters 48.04 and ~~((34.04))~~ 34.05 RCW (Administrative Procedure Act).

AMENDATORY SECTION (Amending Order R-69-1, filed 1/28/69)

WAC 284-19-130 Commission. Commission under this program shall be 10 percent on the policy premium and ~~((shall be))~~ paid to the licensed producer designated by the applicant.

AMENDATORY SECTION (Amending Order R 79-3, filed 7/11/79)

WAC 284-19-140 Administration. (1) This program shall be administered by a governing committee ~~((hereinafter))~~ referred to as the committee) of the facility, subject to the supervision of the commissioner, and operated by a manager appointed by the committee.

(2) ~~((On and after September 1, 1979,))~~ The committee ~~((shall))~~ consists of nine members, including five insurers, one of which ~~((shall be))~~ is elected from each of the following:

~~((American Insurance Association, Alliance of American Insurers, National Association of Independent Insurers, all other stock insurers, and all other nonstock insurers:))~~ (a) American Insurance Association:

(b) Alliance of American Insurers:

(c) National Association of Independent Insurers:

(d) All other stock insurers; and

(e) All other nonstock insurers.

A sixth member shall be ~~((the))~~ an insurer designated as the service insurer under the program ~~((or, if there be more than one service insurer, the sixth member shall be such service insurer as the commissioner designates as the member))~~. The commissioner shall designate a sixth member if there is more than one service insurer. The other three members ~~((shall be))~~ are individuals who are appointed by the commissioner to ~~((so))~~ serve, none of whom ~~((shall be interested, directly or indirectly))~~ have a direct or indirect interest in any insurer except as a policyholder. The individual members ~~((shall))~~ serve for a period of one year or until their successors are appointed. Not more than one insurer in a group under the same management or ownership shall serve on the committee at the same time. One of the six insurers on the governing committee shall be a domestic insurer.

~~((3))~~ ~~The governing committee is hereby empowered to issue operating procedures and other directives to carry out~~

~~the purposes of this plan, the act, and directives of the secretary and the commissioner pursuant thereto.~~

~~((4))~~ ~~Each person serving on the committee or any subcommittee thereof, each member of the facility, and each officer and employee of the facility shall be indemnified by the facility against all costs and expenses actually and necessarily incurred by him or it in connection with the defense of any action, suit, or proceeding in which he or it is made a party by reason of his or its being or having been a member of the committee, or a member or officer or employee of the facility except in relation to matters as to which he or it has been judged in such action, suit, or proceeding to be liable by reason of willful misconduct in the performance of his or its duties as a member of such committee, or a member or officer or employee of the facility. This indemnification shall not apply to any loss, cost, or expense on insurance policy claims under the program. Indemnification hereunder shall not be exclusive of other rights to which such member or officer may be entitled as a matter of law.~~

(3) The governing committee may issue operating procedures and other directives to carry out the purposes of this plan and directives of the commissioner.

(4) Each person serving on the committee or any subcommittee, each member of the facility, and each officer and employee of the facility shall be indemnified by the facility against all costs and expenses actually and necessarily incurred in connection with the defense of any action, suit, or proceeding in which he or she is made a party by reason of being or having been a member of the committee, or a member or officer or employee of the facility except in relation to matters as to which he or she has been judged in such action, suit, or proceeding to be liable by reason of willful misconduct in the performance of duties as a member of the committee, or a member or officer or employee of the facility. This indemnification does not apply to any loss, cost, or expense on insurance policy claims under the program. Indemnification is not exclusive of other rights to which such member or officer may be entitled as a matter of law.

AMENDATORY SECTION (Amending Order R-69-1, filed 1/28/69)

WAC 284-19-150 Annual and special meetings. (1) There shall be an annual meeting of the insurers on a date fixed by the committee. The three ~~((aforementioned))~~ associations ~~((WAC 284-19-140(2))~~ shall designate or elect their representatives to the committee. The two nonassociation groups of companies shall elect their respective representatives by a majority vote counted on a weighted basis in accordance with each insurer's premiums written and the aggregate premiums written for all insurers in the respective groups of companies. Representatives on the committee shall serve for a period of one year or until successors are elected or designated.

(2) A special meeting may be called at ~~((such))~~ a time and place designated by the committee or upon the written request to the committee of any ten insurers, not more than one of which may be a group under the same management or ownership.

PERMANENT

(3) Twenty days' notice of ~~((such))~~ the annual or special meeting shall be given in writing by the committee to the insurers. A majority of the insurers ~~((shall))~~ constitutes a quorum. Voting by proxy ~~((shall be))~~ is permitted. Notice of any meeting shall be accompanied by an agenda for ~~((such))~~ the meeting.

(4) Any matter, including amendment of this program, may be proposed and voted upon by mail, provided ~~((such))~~ the procedure is unanimously authorized by the members of the committee present and voting at any meeting of the committee. If ~~((so))~~ approved by the committee, notice of any proposal ~~((shall be))~~ is mailed to the insurers not less than twenty days prior to the final date fixed by the committee for voting ~~((thereon))~~.

(5) At any regular or special meeting at which the vote of the insurers is or may be required on any proposal, including amendment to this program, or any vote of the insurers which may be taken by mail on any proposal, such votes shall be cast and counted on a weighted basis in accordance with each insurer's premiums written. A proposal ~~((shall))~~ becomes effective when approved by at least two-thirds of the votes cast on ~~((such))~~ the weighted basis, except amendments to this program ~~((which))~~ that will require administrative action by the commissioner.

AMENDATORY SECTION (Amending Order R-69-1, filed 1/28/69)

WAC 284-19-160 Duties of the committee. (1) The committee shall meet as often as may be required to perform the general duties of the administration of the program or on the call of the commissioner. Three insurers of the committee shall constitute a quorum.

(2) The committee ~~((shall be empowered to))~~ may appoint a manager ~~((, who shall serve at the pleasure of the committee,))~~ to budget expenses, levy assessments, disburse funds and perform all other duties provided ~~((herein))~~ in this chapter or necessary or incidental to the proper administration of the program. The manager serves at the pleasure of the committee. The adoption of or substantive changes in pension plans or employee benefit programs ~~((shall be))~~ is subject to approval of the insurers. Assessments upon each insurer shall be levied on the basis of its premiums written.

(3) Annually the manager ~~((shall))~~ prepares an operating budget ~~((which shall be))~~ that is subject to approval of the committee. ~~((Such))~~ The budget shall be furnished to the insurers after approval. Any contemplated expenditure in excess of or not included in the annual budget ~~((shall))~~ requires prior approval by the committee.

(4) The committee ~~((shall))~~ furnishes to all insurers and to the commissioner a written report of operations annually in ~~((such))~~ a form and detail as the committee may determine.

AMENDATORY SECTION (Amending Order R 77-1, filed 3/24/77)

WAC 284-19-170 Public education and notices required. (1) All insurers shall undertake a continuing public education program in cooperation with producers and others,

to assure that the ~~((essential property insurance inspection and placement))~~ program receives adequate public attention.

(2) All insurers terminating a property insurance policy shall give any policyholder eligible for coverage under this program ~~((30 days'))~~ notice of cancellation or refusal to renew ~~((except in the case of nonpayment of premium or evidence of incendiarity), and))~~ as required under chapters 48.18 and 48.53 RCW. The insurers shall explain the procedure for making application under this program in or accompanying ~~((such))~~ the notice.

AMENDATORY SECTION (Amending Order R-69-1, filed 1/28/69)

WAC 284-19-180 Statistics, records and reports. (1) **Statistics.** The facility shall maintain separate statistics on business written in accordance with this plan ~~((, and))~~. The facility shall make ~~((the following quarterly report to the commissioner and to the secretary, and such additional reports as may be required by the commissioner.))~~:

(a) A quarterly report to the commissioner including:

(i) Number of requests for inspections,

~~((b))~~ (ii) Number of risks inspected,

~~((e))~~ (iii) The number of risks accepted, total and average premiums charged, high and low premiums,

~~((d))~~ (iv) The number of risks declined, and

~~((e))~~ (v) The number of reinspections made on conditionally declined risks.

(b) Additional reports as required by the commissioner.

(2) **Records.** ~~((In addition to statistics,))~~ The facility shall maintain complete and separate records of all business transactions, including copies of all policies and endorsements issued in accordance with this plan.

(3) **Reports to members.** Regular reports of the facility's operations shall be submitted to all members by the committee ~~((, such)).~~ The reports ~~((to))~~ shall include ~~((, but not necessarily to be limited to, premiums written and earned, losses, including loss adjustment expense, paid and incurred, all other expenses incurred and))~~:

(a) Premiums written and earned;

(b) Losses, including loss adjustment expense, paid and incurred;

(c) All other expenses incurred; and

(d) Outstanding liabilities.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-19-030

Effective date.

WSR 98-13-109
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Hearing and Speech)
 [Filed June 17, 1998, 10:16 a.m.]

Date of Adoption: June 5, 1998.

Purpose: Provide definition of education requirements for certification. Individuals applying for certification must hold a degree from a board approved institution and complete clinical practicum experience defined by the board. This rule will clarify the requirements necessary for certification.

Statutory Authority for Adoption: RCW 18.35.040(2) and 18.35.161.

Adopted under notice filed as WSR 98-07-083 on March 17, 1998.

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 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 10, 1998

Delores E. Spice
 Executive Director

NEW SECTION

WAC 246-828-025 Definitions. (1) "Board-approved institution of higher education" means an institution offering a Washington higher education coordinating board-accredited program in audiology or speech-language pathology leading to a master's degree, or an equivalent program as determined by the board.

(2) "Postgraduate professional work experience" means a full-time professional experience, or the part-time equivalent, involving direct patient/client contact, consultations, recordkeeping, and administrative duties relevant to a bona fide program of clinical work.

(a) "Full-time professional experience" means a minimum of 30 hours per week over 36 weeks. Postgraduate professional work experience cannot be obtained in fewer than 36 weeks.

(b) "Part-time equivalent" means any of the following:

- (i) 15-19 hours per week over 72 weeks;
- (ii) 20-24 hours per week over 60 weeks;
- (iii) 25-29 hours per week over 48 weeks.

(c) Professional experience of fewer than 15 hours per week cannot be counted toward postgraduate professional work experience.

WSR 98-13-110
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Hearing and Speech)
 [Filed June 17, 1998, 10:16 a.m.]

Date of Adoption: June 5, 1998.

Purpose: The rule is needed to define the examination process required for certification of audiologists and speech-language pathologists and licensure for hearing instrument fitter/dispensers. Rules will provide those individuals desiring certification or licensure with the needed information regarding eligibility.

Citation of Existing Rules Affected by this Order: Amending WAC 246-828-020.

Statutory Authority for Adoption: RCW 18.35.040.

Other Authority: RCW 18.35.161.

Adopted under notice filed as WSR 98-07-084 on March 17, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 10, 1998

Delores E. Spice
 Executive Director

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

WAC 246-828-020 Examinations. (1) The examination required of hearing instrument fitter/dispenser license applicants shall be ~~((in three parts: One))~~ a written ~~((and two practical))~~ examination.

~~((2))~~ (a) The minimum passing grade shall be seventy ~~((percent for each part))~~ or greater to pass the required examination for licensure.

~~((3))~~ In addition to those subjects listed in RCW 18.35.070, the examination shall test the knowledge of the applicant in the basic act governing hearing aid

~~fitter/dispensers and rules and regulations promulgated pursuant to this act.~~

(4)) (b) Applications for examinations shall be received by the department at least sixty days prior to the date of the scheduled examination. If the application is received less than sixty days before the next scheduled examination, the applicant will be scheduled for the second examination following receipt of the application.

(c) A national examination or examination administered by another licensing jurisdiction approved by the board may be accepted in lieu of the board's written examination.

(2) The examination required of all audiology certificate applicants shall be the National Examination in Audiology (NESPA), including a passing examination score of six hundred or greater and written hearing instrument fitter/dispenser examination described in subsection (1) of this section, including a passing examination score of seventy or greater.

(3) The examination required of speech-language pathologist certificate applicants shall be the National Examination in Speech Language Pathology (NESPA), including a passing examination score of six hundred or greater.

WSR 98-13-112

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 98-05—Filed June 17, 1998, 10:50 a.m.]

Date of Adoption: June 17, 1998.

Purpose: WAC 173-160-020 is being repealed because it was relocated in its entirety to WAC 173-160-106 and 173-160-406. WAC 173-160-020 was not repealed during the normal revisions to chapter 173-160 WAC due to an administrative oversight.

Citation of Existing Rules Affected by this Order: Repealing WAC 173-160-020.

Statutory Authority for Adoption: Chapter 18.104 RCW.

Adopted under preproposal statement of inquiry filed as WSR 98-08-061 on March 30, 1998.

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.

June 16, 1998

Tom Fitzsimmons

Director

WSR 98-13-118

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed June 17, 1998, 11:41 a.m.]

Date of Adoption: June 12, 1998.

Purpose: Rule relating to commercial semen production is no longer necessary or applicable due to changed circumstances. All other sections were repealed in 1997.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-46-010.

Statutory Authority for Adoption: Chapter 16.36 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under preproposal statement of inquiry filed as WSR 98-08-080 on March 31, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

June 12, 1998

James M. Jesernig

Director

WSR 98-13-122

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed June 17, 1998, 11:45 a.m.]

Date of Adoption: June 17, 1998.

Purpose: Amend the assessment and collection procedures of the Hop Board. The rule eliminates the procedures of the Hop Board to grant credit against assessments or refund payment to growers for individual marketing efforts.

Citation of Existing Rules Affected by this Order: Chapter 16-532 WAC, Hop Board; repealing WAC 16-532-0402, 16-532-0404, 16-532-0406, 16-532-0408, 16-532-0410, 16-532-0412, and 16-532-0414; and amending WAC 16-532-010.

Statutory Authority for Adoption: RCW 15.65.050.

Adopted under notice filed as WSR 98-02-073 on January 7, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 7.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 7.

Effective Date of Rule: Thirty-one days after filing.

June 17, 1998

William E. Brookreson
for Jim Jesernig
Director

AMENDATORY SECTION (Amending WSR 97-17-096, filed 8/20/97, effective 9/20/97)

WAC 16-532-010 Definitions. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

(5) "Affected producer" or "producer" means any person who produces hops in commercial quantities in the state of Washington.

(6) "Commercial quantity" means any hops produced for market by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing hops not produced by him.

(8) "Hop commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of WAC 16-532-020.

(9) "Hops" means and includes all kinds and varieties of "humulus lupulus" grown, picked and dried in the state of Washington, whether loose, packaged or baled and all oils, extracts and/or lupulin derived therefrom.

(10) "Processed" means and includes all hops which are converted into pellets, extracts, oils, lupulin, and/or other forms, including hops which are frozen in undried form, but excluding whole, dried hop cones, whether loose or baled.

(11) "Marketing season" means the twelve month period beginning with January 1 of any year and ending December 31, both dates being inclusive.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to hops. A producer-handler shall be deemed to be a producer with respect to the hops which he produces and a handler with respect to the hops which he handles, including those produced by himself.

(13) "Affected area" means the state of Washington.

(14) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(15) "Affected unit" means two hundred pounds net of hops, or the amount of lupulin, extract or oil produced from two hundred pounds net of hops.

(16) "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of Washington grown hops.

(17) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

~~((18) "Affiliate" as used in these rules, means a corporation, limited liability company, partnership, or other entity in common ownership with a producer or producer handler.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-532-0402	Credit for market promotion activities.
WAC 16-532-0404	General requirements for credit.
WAC 16-532-0406	Eligible activities.
WAC 16-532-0408	No duplication of credit.
WAC 16-532-0410	Filing of claims.
WAC 16-532-0412	Time for filing and determinations.
WAC 16-532-0414	Appeals.

**WSR 98-13-126
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 17, 1998, 11:49 a.m., effective July 20, 1998]

Date of Adoption: June 17, 1998.

Purpose: **Chapter 296-400A WAC, Certification of competency for journeyman plumbers**, statute-initiated amendments were adopted to implement 1997 legislation that amended chapter 18.106 RCW to create a medical gas piping

installer endorsement for journeyman plumbers certified by Washington state. This legislation will be effective July 1, 1998. It requires the department to enact implementing rules. These amendments establish additional compliance requirements.

WAC 296-400A-005 What definitions do I need to know to understand these rules? Statute-initiated amendments were adopted to implement RCW 18.106.010(6) by adding definitions for "continuity affidavit," "medical gas piping installer" and "training course provider."

WAC 296-400A-021 How do I obtain a medical gas piping installer endorsement? Statute-initiated amendments were adopted to implement RCW 18.106.030 by creating a new section that:

- Emphasizes that only journeyman plumbers holding active state of Washington certification may apply for the medical gas piping installer endorsement.
- Explains the procedures an applicant must follow to obtain a medical gas piping endorsement.
- Explains that persons holding a current medical gas piping installer certificate issued by a department recognized training provider, when these rules become effective, may apply for the medical gas piping installer endorsement without the medical gas piping installer examination.
- Explains that the required written and practical competency examinations will be given by a nationally recognized testing agency contracted by the department.

WAC 296-400A-025 Who approves medical gas piping installer endorsement training courses? Statute-initiated amendments were adopted to implement RCW 18.106.050 by creating a new section that states the department's authority to approve training courses and set the fees for those courses.

WAC 296-400A-026 What training course approval procedures will the department follow? Statute-initiated amendments were adopted to implement RCW 18.106.050 by creating a new section that describes the procedures the department will follow when approving medical gas piping installer training courses.

WAC 296-400A-027 Where can I obtain information regarding department approved training course providers? Statute-initiated amendments were adopted to implement RCW 18.106.050 by creating a new section notifying potential medical gas piping installer applicants where they can obtain the names of department approved training course providers.

WAC 296-400A-030 Do I need a temporary permit? Statute-initiated amendments were adopted to implement RCW 18.106.020 by clarifying that temporary permits for the installation of medical gas piping systems will not be issued to any active out-of-state plumber.

WAC 296-400A-045 What fees will I have to pay? Statute-initiated amendments were adopted to implement RCW 18.106.050 by:

- Notifying endorsement applicants that they will have to pay a medical gas endorsement examination fee to a nationally recognized testing agent.
- Notifying endorsement applicants that they will have to pay a medical gas endorsement training

course fee to a department approved training course provider.

- Clarifying that the purpose of the examination fee and the training course fee is to cover certain costs associated with the examinations and training courses.
- Emphasizing that the fees charged for the examinations and training courses do not go to the department but the entities conducting the examinations and providing the training courses.
- Clarifying that the continuity affidavit will include verification that brazing work has been performed.

WAC 296-400A-120 What do I need to know about plumber trainee certificates? Statute-initiated amendments were adopted to implement RCW 18.106.070(4) by adding subsection (7). This subsection incorporates statutory language to clarify when a trainee may work on medical gas piping systems.

WAC 296-400A-140 How does the department enforce plumber certification requirements? Statute-initiated amendments were adopted to implement RCW 18.106.170 by adding subsection (4). This subsection incorporates statutory language to emphasize that persons installing medical gas piping systems must possess an active plumber certification card and an active medical gas piping installer endorsement.

WAC 296-400A-300 What procedures does the department follow when issuing a notice of infraction? Statute-initiated amendments were adopted to implement RCW 18.106.020(4) by adding subsection (3). This subsection explains that the department may issue an infraction to individuals, employers, employer agents and foremen who allow the installation of medical gas piping systems by individuals who do not possess a current plumber certificate and a current medical gas piping installer endorsement.

Other amendments to chapter 296-400A WAC, Certification of competency for journeyman plumbers, were adopted as a result of an Executive Order 97-02 review and the department's regulatory improvement goal to create rules that make sense and work well. After reviewing chapter 296-400A WAC, the department adopted the following amendments to clarify the chapter and bring it into compliance with chapter 18.106 RCW.

WAC 296-400A-005 What definitions do I need to know to understand these rules? Amendments were adopted to add a definition of "supervision." This definition clarifies the meaning of the word "supervision" as it is used in chapter 296-400A WAC. A supervising plumber must be on the premises and within sight or sound of the individual being trained.

WAC 296-400A-030 Do I need a temporary permit? Amendments were adopted to add the clarifying words "active" and "plumber" to the section.

WAC 296-400A-031 How do I qualify for a temporary permit? Amendments were adopted to add the clarifying word "active" to the section.

WAC 296-400A-035 How can I be placed on inactive status? Amendments were adopted to replace the word

"registered" with "certified" in order to comply with chapter 18.106 RCW.

WAC 296-400A-070 Can I work as a certified plumber in Washington without taking the Washington state plumbers competency examination? Amendments were adopted to replace the word "registered" with "certified" in order to comply with chapter 18.106 RCW.

WAC 296-400A-110 Does previous work experience count toward my trainee certificate? Amendments were adopted to clarify the conditions governing the departments granting of credit for trainee hours.

WAC 296-400A-300 What procedures does the department follow when issuing a notice of infraction? Amendments were adopted to replace the word "citation" with "infraction" in subsections (1) and (4) in order to comply with chapter 18.106 RCW.

Citation of Existing Rules Affected by this Order: Amending chapter 296-400A WAC, Certification of competency for journeyman plumbers.

WAC 296-400A-005 What definitions do I need to know to understand these rules?

WAC 296-400A-030 Do I need a temporary permit?

WAC 296-400A-031 How do I qualify for a temporary permit?

WAC 296-400A-035 How can I be placed on inactive status?

WAC 296-400A-045 What fees will I have to pay?

WAC 296-400A-070 Can I work as a certified plumber in Washington without taking the Washington state plumbers competency examination?

WAC 296-400A-110 Does previous work experience count toward my trainee certificate?

WAC 296-400A-120 What do I need to know about plumber trainee certificates?

WAC 296-400A-140 How does the department enforce plumber certification requirements?

WAC 296-400A-300 What procedures does the department follow when issuing a notice of infraction?

Statutory Authority for Adoption: Chapter 18.106 RCW.

Adopted under notice filed as WSR 98-09-124 on April 22, 1998.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the following section is being amended: WAC 296-400A-005 What definitions do I need to know to understand these rules? The department agrees that the definition of "Medical gas piping installer" should include the words "medical gas piping installer." The definition will now read: "**Medical gas piping installer**" is anyone who has been issued a medical gas piping installer endorsement of competency by the department.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 6, 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 4, Amended 10, Repealed 0.

Effective Date of Rule: July 20, 1998.

June 15, 1998

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-005 What definitions do I need to know to understand these rules? Unless a different meaning is clearly required by the context, the following terms and definitions are important:

"**Advisory board**" is the state advisory board of plumbers.

"**Continuity affidavit**" is a form developed by the department that is used to verify whether medical gas pipe installation work has been performed. This form is provided to the department annually by the person holding the medical gas piping installer endorsement and requires the signature of the employer of the medical gas piping installer.

"**Department**" is the department of labor and industries.

"**Director**" is the director of the department of labor and industries.

"**Journeyman plumber**" is anyone who has learned the commercial plumbing trade and has been issued a journeyman certificate of competency by the department. A journeyman plumber may work on plumbing projects including residential, commercial and industrial worksite locations.

"**Medical gas piping installer**" is anyone who has been issued a medical gas piping installer endorsement of competency by the department.

"**Medical gas piping systems**" are piping systems that convey or involve oxygen, nitrous oxide, high pressure nitrogen, medical compressed air and medical vacuum systems.

"**Plumbing**" is that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems and medical gas piping systems within a building. The installation of water softening or water treatment equipment into a water system is not considered plumbing.

"**Specialty plumber**" is anyone who has been issued a specialty plumbers certificate of competency by the department. Specialty plumber certificates are limited to the installation, maintenance and repair of plumbing for single-family dwellings, duplexes and apartment buildings which do not exceed three stories.

"**Supervision**" for the purpose of these rules means within sight or sound. Supervision requirements are met when the supervising plumber is on the premises and within sight or sound of the individual who is being trained.

"Training course provider" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide medical gas piping installer training. All training course providers must comply with the requirements in WAC 296-400A-026.

"Trainee plumber" is anyone who has been issued a trainee certificate and is learning or being trained in the plumbing trade with direct supervision of either a journeyman plumber or specialty plumber working in their specialty.

NEW SECTION

WAC 296-400A-021 How do I obtain a medical gas piping installer endorsement? (Only journeyman plumbers holding active state of Washington certification may apply for this endorsement.)

You can obtain a medical gas piping installer endorsement by completing the following requirements:

- (1) Submit an application to the department; and
- (2) Pay the examination application fee shown in WAC 296-400A-045; and
- (3) Submit the required evidence of approved training to the department; and
- (4) Pass the written and practical competency examination;* and
- (5) Pay the endorsement issuance fee shown in WAC 296-400A-045 to the department.

At the effective date of these medical gas piping installer rules, if you hold a current medical gas piping installers certificate issued by a department recognized training provider you may apply for the state of Washington medical gas piping installer endorsement in lieu of taking the medical gas piping installer examination. This opportunity to obtain your endorsement without taking the examination will expire one year from the effective date of these medical gas piping installer rules.

*The written and practical competency examination is performed under contract with a nationally recognized testing agency. The results of the competency examination will be forwarded to the department for processing.

NEW SECTION

WAC 296-400A-025 Who approves medical gas piping installer endorsement training courses? RCW 18.106.050 authorizes the department to:

- (1) Approve training courses for the medical gas piping installer endorsement; and
- (2) Set training course fees.

NEW SECTION

WAC 296-400A-026 What training course approval procedures will the department follow? (1) The department will review and approve courses submitted by training course providers that offer medical gas piping systems training. Course approvals will be decided in consultation with the state advisory board of plumbers.

(2) All providers seeking course approval, must submit the required information (see subsection (5) of this section) to the department at least thirty days before a regularly scheduled advisory board meeting. No course can be offered as meeting the requirements of a medical gas endorsement until it has been approved.

(3) All material required for approval will be reviewed without testimony and the review will be based solely upon the information submitted. Once reviewed, the department has five working days to give a provider written notification of acceptance or rejection. In the case of rejection, the department must specify its reasons.

(4) If a provider has a course rejected, it may request a hearing before the advisory board at the next regularly scheduled meeting. Any information supporting the provider's position, which was not included with the original approval request, must be submitted to the board at least twenty days before the meeting at which the hearing will be held.

At the hearing, the department and the provider may produce witnesses and give testimony. The hearing must be conducted according to chapter 34.05 RCW. The board must base its decision upon the testimony and evidence presented and must notify the parties immediately upon reaching its decision. A majority of the board is necessary to render a decision.

(5) Specific course approval criteria:

(a) All training courses must conform to and be based upon current standards and requirements governing the installation of medical gas piping systems.

(b) All course approval requests must include:

- (i) A general description of the course, including its scope, the instructional materials to be used and the instructional methods to be followed; and
- (ii) A copy of the complete medical gas piping installer training curriculum; and
- (iii) A detailed course outline; and
- (iv) The name and qualifications of the course instructor(s); and
- (v) The locations where the course will be taught; and
- (vi) The days and hours the course will be offered; and
- (vii) The specific fees associated with the course, as well as, the total cost of the course.

(c) All fees for approved training courses must be reasonable and in line with fees charged for other comparable code based training courses.

(6) Training courses are approved for a three-year period.

(7) A provider, whose courses are approved, must give the department literature describing the courses so the department can disseminate this information to prospective applicants.

(8) It is the responsibility of the provider to annually review and update its courses and to notify the department of any changes.

(9) The department may withdraw its approval of any training course if it determines the provider is no longer in compliance with the requirements of this chapter. If the department withdraws its approval of a training course, it must give the provider written notification of the withdrawal, specifying the reasons for its decision. If the department

withdraws its approval of a training course, the provider may request a hearing before the advisory board at the next regularly scheduled meeting. Any information supporting the provider's position must be submitted to the board at least twenty days before the meeting at which the hearing will be held. At the hearing, the department and the provider may produce witnesses and give testimony. The hearing must be conducted according to chapter 34.05 RCW. The board must base its decision upon the testimony and evidence presented and must notify the parties immediately upon reaching its decision. A majority of the board is necessary to render a decision.

NEW SECTION

WAC 296-400A-027 Where can I obtain information regarding department approved training course providers? The department will produce a list of all approved training course providers and/or course contact persons. This list will be available to all applicants who request it. It will also be available at all department service locations.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-030 Do I need a temporary permit? If you are an active out-of-state journeyman plumber residing in a state that does not have a reciprocal agreement with Washington and you would like to work as a plumber in Washington, you need a temporary permit. Temporary permits are not issued for installers of medical gas piping systems.

Type of Fee

Period Covered by Fee

Dollar Amount of Fee

Examination application	Per examination	\$ 108.25
Reciprocity application	Per application	\$ 108.25
Trainee certificate*	One year	\$ 32.50
Trainee certificate	Less than one year	\$3.00 per month with a minimum fee of \$21.50
Temporary permit	90 days	\$ 54.25
Journeyman or specialty certificate**	Two years	\$ 87.00
Journeyman or specialty certificate	Less than two years	\$3.50 per month with a minimum fee of \$32.75
Medical gas endorsement examination application***	Per application	\$40.00
Medical gas endorsement**	One year	\$30.00
Medical gas endorsement	Less than one year	\$2.50 per month with a minimum fee of \$17.50
<u>Medical gas endorsement examination fee***</u>		<u>See note below.</u>
<u>Medical gas endorsement training course fee****</u>		<u>See note below.</u>
Reinstatement of a journeyman certificate		\$ 174.00
Replacement of all certificates		\$ 32.50

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-031 How do I qualify for a temporary permit? To qualify for a temporary permit, you must:

- (1) Have ((a)) an active state-issued journeyman plumbers certificate; and
- (2) Give the department sufficient qualifying evidence for a journeyman plumber certificate of competency; and
- (3) Never have taken the journeyman competency examination in Washington state; and
- (4) Not be an apprentice plumber.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-035 How can I be placed on inactive status? To be placed on inactive status, you must meet these three requirements:

- (1) Be a currently ((registered)) certified plumber; and
- (2) Be at least sixty-two years of age; and
- (3) Not be working in the plumbing trade.

Inactive status means that you are not currently working in the plumbing trade and you are not required to pay the annual certificate renewal fee. You may return to active status, without reexamination, by paying the reinstatement of a journeyman certificate fee shown in WAC 296-400A-045.

AMENDATORY SECTION (Amending WSR 98-12-041, filed 5/29/98, effective 6/30/98)

WAC 296-400A-045 What fees will I have to pay? The following are the department's plumbers fees:

PERMANENT

- * The trainee certificate shall expire one year from the date of issuance and be renewed on or before the date of expiration.
- ** This fee applies to either the original issuance or a renewal of a certificate. If you have passed the plumbers certificate of competency examination or the medical gas piping installer endorsement examination and paid the certificate fee, you will be issued a plumber certificate of competency or a medical gas endorsement that will expire on your birthdate.
- ~~((***) An additional fee, paid directly to a nationally recognized testing agency under contract with the department will be required for the written and practical examination of competency for medical gas piping system installers.

(The annual renewal of a Medical Gas Piping Installer Endorsement shall include a continuity affidavit that verifies work in discipline of brazing has occurred within the past year.))~~
The annual renewal of a Medical Gas Piping Installer Endorsement shall include a continuity affidavit verifying that brazing work has been performed within the past year.
- ~~*** This fee is paid directly to a nationally recognized testing agency under contract with the department. It covers the cost of preparing and administering the written competency examination and the materials necessary to conduct the practical competency examination required for the medical gas piping system installers endorsement. This fee is not paid to the department.~~
- ~~**** This fee is paid directly to a training course provider approved by the department, in consultation with the state advisory board of plumbers. It covers the cost of providing training courses required for the medical gas piping system installer endorsement. This fee is not paid to the department.~~

If your birth year is:

- (1) In an even-numbered year, your certificate will expire on your birthdate in the next even-numbered year.
- (2) In an odd-numbered year, your certificate will expire on your birthdate in the next odd-numbered year.

~~((Note: The medical gas fees in this section will not be effective until the medical gas rules proposed by the department become effective.))~~

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

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-070 Can I work as a certified plumber in Washington without taking the Washington state plumbers competency examination? You may be eligible to work in Washington state without taking an examination if:

- (1) You have a current plumbers certificate or license from another state; and
- (2) That state has a current reciprocal agreement with the department of labor and industries; and
- (3) You pay the reciprocity application fee and journeyman or specialty certificate fee shown in WAC 296-400A-045.

The director of labor and industries negotiates reciprocal agreements with states that have equivalent requirements for certification and licensing of journeyman and specialty plumbers. The agreement allows plumbers from those states to work in Washington and Washington-~~(registered)~~certified plumbers to work in the other state without taking competency examinations. To find out if your state has an agree-

ment with the department, contact the plumber's certification clerk at the department's Tumwater, WA headquarters.

Reciprocity agreements cannot be used to take the Washington state competency examination instead of the examination in your home state.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-110 Does previous work experience count toward my trainee certificate? If your work experience was in plumbing construction, you will be given credit for all verifiable hours that are properly submitted on the department's approved form. Plumber trainee hours accumulated in the state of Washington will be credited only if an active Washington state trainee card was in place when the work occurred. (Refer to the definition of "plumbing" in WAC 296-400A-005.)

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-120 What do I need to know about plumber trainee certificates? (1) The department issues separate trainee certificates according to the following schedule:

Certificate Year	Hours Employed As Plumber Trainee
First	Less than 2,000 hours
Second	More than 1,999 hours but less than 4,000 hours
Third	More than 3,999 hours but less than 6,000 hours
Fourth	More than 5,999 hours

(2) You may apply for the next year's trainee certificate whenever you have the required documented work hours.

(3) You cannot be issued a training certificate for more than eight years unless the department determines that there are extenuating circumstances.

(4) If you are a trainee applying for a journeyman certificate, you must complete a minimum of two of the required four years in commercial plumbing experience.

(5) A certified specialty plumber working on a commercial job site may work as a journeyman trainee only if they have a current trainee certificate on their person while performing commercial plumbing work.

(6) On a job site, the ratio of certified plumbers to non-certified plumbers must be:

(a) One specialty plumber or journeyman working on a specialty plumbing job may supervise no more than two trainees.

(b) One journeyman plumber working on a commercial job may supervise no more than one trainee.

(7) A plumber trainee who has a current trainee certificate with the state of Washington and has successfully completed or is enrolled in an approved medical gas piping installer training course may work on medical gas piping sys-

PERMANENT

tems. Work may only occur when there is direct supervision by an active Washington state certified journeyman plumber with an active medical gas piping installer endorsement issued by the department. Supervision must be one hundred percent of the working day on a one-to-one ratio.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-140 How does the department enforce plumbers certification requirements? The department enforces plumber certification requirements by means of job-site inspections conducted by department compliance inspectors. The inspector must determine whether:

- (1) Each person doing plumbing work has a proper certificate on their person; and
- (2) The ratio of certified specialty and/or journeyman plumbers to certified trainees is correct; and
- (3) That each certified trainee is directly supervised by either a certified specialty plumber or a certified journeyman; and
- (4) That persons who are installing medical gas piping systems have active medical gas piping installer endorsements in addition to their active plumber certification.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-300 What procedures does the department follow when issuing a notice of infraction? (1) If a compliance inspector determines that an individual has violated plumber certification requirements, including medical gas piping installer endorsement requirements, the department must issue a notice of infraction describing the reasons for the ~~((citation))~~ infraction.

(2) For plumber certification violations, the department may issue a notice of infraction to either:

- (a) An individual who is plumbing without a current plumber certificate; or
- (b) The employer of the individual who is plumbing without a current plumber certificate; or
- (c) The employer's authorizing agent or foreman that made the work assignment to the individual who is plumbing without a current plumber certificate.

(3) For medical gas piping installer endorsement violations, the department may issue a notice of infraction to either:

- (a) An individual who is installing medical gas piping systems without a current plumber certificate and a current medical gas piping installer endorsement; or
- (b) The employer of the individual who is installing medical gas piping systems without a current plumber certificate and a current medical gas piping installer endorsement;
or
- (c) The employer's authorizing agent or foreman that made the work assignment to the individual who is installing medical gas piping systems without a current plumber certificate and a current medical gas piping installer endorsement.

(4) An individual may appeal a notice of infraction by complying with the appropriate provisions of RCW 18.106.220.

~~((4))~~ (5) If good cause is shown, an administrative law judge may waive, reduce or suspend any monetary penalties resulting from the ~~((citation))~~ infraction.

~~((5))~~ (6) Any monetary penalties collected under this chapter, must be deposited in the plumbing certificate fund.



WSR 98-12-026
EMERGENCY RULES
FOREST PRACTICES BOARD

[Filed May 28, 1998, 9:36 a.m.]

Date of Adoption: May 13, 1998. The Forest Practices Board adopted this emergency rule on May 13, 1998. Soon after the meeting, it was determined that a change needed to be made to the language adopted in WAC 222-30-040(2). The board held a special meeting via conference call on May 27, 1998, and adopted the revised version of WAC 222-30-040(2).

Purpose: To modify forest practices rules to provide greater protection for threatened and endangered salmonids that have been listed by the federal government. This is a procedural rule that classifies forest practices in mapped areas as Class IV-Special, requiring additional environmental review.

Citation of Existing Rules Affected by this Order: Amending WAC 222-10-040, 222-16-010, 222-16-050, 222-16-080, 222-24-050 and 222-30-040; and new sections WAC 222-16-088, 222-10-020, and 222-10-043.

Statutory Authority for Adoption: RCW 76.09.040 and chapter 34.05 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The Forest Practices Board is required by rule to identify those forest practices that have the potential for a substantial impact on the environment with regard to newly listed threatened or endangered species (WAC 222-16-080(3)).

This emergency rule applies to the following listed species: Upper Columbia Steelhead - endangered - August 1997; Snake River Steelhead - threatened - August 1997; and Lower Columbia Steelhead - threatened - March 1998.

What the Rule Does: The emergency rule provides protection to these listed species by setting State Environmental Policy Act (SEPA) triggers that would classify certain forest practices activities within the listed areas as Class IV-Special. This class of forest practice must receive additional review under SEPA prior to approval. If a declaration of significance is made under SEPA, an environmental impact statement may be required.

The emergency rule also provides SEPA guidance for the landowner to use in preparing a complete application and for the department to use in reviewing the forest practices application.

The "salmonid listed areas" map identifies the geographic areas to which the rule applies. These are the Evolutionarily Significant Units (ESUs) identified by the National Marine Fisheries Service (NMFS) when they listed these salmonids. If an when additional listings occur, the board can consider adopting an updated map.

Road maintenance and abandonment plans are required for certain forest practices within the listed areas. Stream temperature provisions also apply in the ESUs for some non-fish-bearing streams.

This emergency rule applies to COMPLETED FOREST PRACTICES APPLICATIONS submitted on or after the effective date of the rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; **or Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 6, 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.

May 27, 1998

Jennifer M. Belcher

Commissioner of Public Lands

NEW SECTION

WAC 222-10-020 *SEPA policies for certain forest practices within 200 feet of a Type 1 Water. The following policies shall apply to Class IV-Special forest practices, within the salmonid listed areas map in WAC 222-16-088, involving construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas within 200 feet of Type 1 Waters.

*(1) In order to determine whether forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the applicant must submit to the department additional information prepared by a qualified expert on: Whether the proposed activity is within the channel migration zone of the Type 1 Water; whether the proposed activity has the potential for accelerating erosional and depositional processes of the Type 1 Water; whether the proposal will have an impact on salmonid spawning, rearing, or migration habitat; and whether the proposal will adversely impact a threatened or endangered species. (See WAC 222-10-043.) In addition, the report must identify specific mitigation measures designed to reduce the impacts to avoid any probable significant adverse impacts identified above.

*(2) The department will evaluate the proposal in consultation with the department of ecology, the department of fish and wildlife, local government, and affected Indian tribes. If the proposal is likely to cause significant adverse impacts to salmonid spawning, rearing, or migration habitat, accelerate erosional and depositional processes of the Type 1 Water, or cause significant adverse impacts to a threatened or

endangered species, then it is likely to have a probable significant adverse impact on the environment. If the department determines, in consultation with the department of fish and wildlife, that the impacts can be mitigated or that the threatened and endangered species is not likely to occur because of a significant long-term passage barrier such as a dam or waterfall, then the proposal is not likely to have a probable significant adverse impact on the environment.

*(3) If a local permit is required, then the local government is lead agency and the department shall forward the additional information, the environmental checklist, and the forest practices application to the local government for completing SEPA. (See WAC 222-20-040(4).)

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-10-040 *Class IV-Special threatened and endangered species SEPA policies. In addition to the SEPA policies established elsewhere in this chapter, the following policies shall apply to Class IV-Special forest practices involving threatened or endangered species.

*(1) The department shall consult with the department of fish and wildlife, other agencies with expertise, affected landowners, affected Indian tribes, and others with expertise when evaluating the impacts of forest practices. If the department does not follow the recommendations of the department of fish and wildlife, the department shall set forth in writing a concise explanation of the reasons for its action.

*(2) In order to determine whether forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the department shall evaluate whether the forest practices reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of the survival or recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.

*(3) Specific mitigation measures or conditions shall be designed to reduce any probable significant adverse impacts identified in subsection (2) of this section.

*(4) The department shall consider the species-specific policies in WAC 222-10-041 (~~and~~) northern spotted owls, WAC 222-10-042 marbled murrelets, and WAC 222-10-043 salmonids when reviewing and evaluating SEPA documents and the impacts of forest practices.

NEW SECTION

WAC 222-10-043 *Salmonids. The following policies shall apply to Class IV-Special forest practices, within the salmonid listed areas map in WAC 222-16-088, if the forest practices may cause adverse impacts to salmonids.

*(1) In order to determine whether forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the applicant must submit to the department additional information prepared by a qualified expert that includes: An evaluation of the channel condition; information on how the proposal will provide for bank stability, sediment and mass wasting attenuation, adequate shade, near and long-term large

woody debris recruitment, and protection from windthrow. In addition, the report must identify specific mitigation measures designed to reduce the impacts to avoid any probable significant adverse impacts identified above.

*(2) Roads, skid trails, or yarding corridors may not occupy or disturb more than 10 percent of the soil in the riparian management zone unless the landowner submits mitigation measures that provide equivalent replacement of habitat.

*(3) Harvesting, road construction, aerial applications of pesticides, or site preparation that is likely to cause significant adverse impacts to salmonid spawning, rearing, or migration habitat are likely to have a probable significant adverse impact on the environment except when the department determines, in consultation with the department of fish and wildlife, that the impacts can be mitigated.

*(4) The department shall consult with the department of fish and wildlife, the department of ecology, affected Indian tribes, and other interested parties to determine if the proposal will maintain a fully functioning riparian management zone. To meet this goal, the department will review whether the forest practices reasonably would be expected, directly or indirectly, to: Increase protection from sediment and mass wasting impacts; maintain bank stability; maintain shade; maintain near or long-term large woody debris that is key-piece size or larger and indexed to the size of the channel; and, protect riparian functions from windthrow in site-specific circumstances. If the above functions are not adequately provided, then the forest practice is likely to have a probable significant adverse impact on the environment. If the department determines, in consultation with the department of fish and wildlife, that the impacts can be mitigated or that the threatened and endangered species is not likely to occur because of a significant long-term passage barrier such as a dam or waterfall, then the proposal is not likely to have a probable significant adverse impact on the environment.

AMENDATORY SECTION (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

WAC 222-16-010 General definitions.* Unless otherwise required by context, as used in these regulations:

"Act" means the Forest Practices Act, chapter 76.09 RCW.

"Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"Appeals board" means the forest practices appeals board established in the act.

"Area of resource sensitivity" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"Board" means the forest practices board established by the act.

"Bog" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an

overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Columbia River Gorge National Scenic Area or CRGNSA" means the area established pursuant to the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(a).

"CRGNSA Special Management Area" means the areas designated in the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(b) or revised pursuant to 16 U.S.C. §544b(c). For purposes of this rule, the special management area shall not include any parcels excluded by 16 U.S.C. §544f(o).

"CRGNSA Special Management Area Guidelines" means the guidelines and land use designations for forest practices developed pursuant to 16 U.S.C. §544f contained in the CRGNSA Management Plan developed pursuant to 15 U.S.C. §544d.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"Constructed wetlands" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a

result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"Cooperative habitat enhancement agreement (CHEA)" see WAC 222-16-105.

"Critical habitat (federal)" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

"Critical nesting season" means for marbled murrelets - April 1 to August 31.

"Critical wildlife habitat (state)" means those habitats designated by the board in accordance with WAC 222-16-080.

"Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Cumulative effects" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"Daily peak activity" means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"Demographic support" means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

"Department" means the department of natural resources.

"Dispersal habitat" see WAC 222-16-085(2).

"Dispersal support" means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

"Eastern Washington" means the lands of the state lying east of an administrative line which approximates the

change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Fen" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

"Flood level - 50 year." For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under

license from the federal government, the state, or a political subdivision of the state.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"Forest trees" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"Green recruitment trees" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"Historic site" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"Identified watershed processes" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

- Mass wasting;
- Surface and road erosion;
- Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);
- Large organic debris;
- Shading; and
- Stream bank and bed stability.

"Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"Islands" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

"Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"Local government entity" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"Low impact harvest" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"Marbled murrelet detection area" means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor which is documented and recorded in the department of fish and wildlife data base. The marbled murrelet detection area shall be comprised of the section of land in which the marbled murrelet detection was made and the eight sections of land immediately adjacent to that section.

"Marbled murrelet nesting platform" means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

"Median home range circle" means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

"Northern spotted owl site center" means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

- (a) A nest is located; or
- (b) Downy chicks or eggs or egg shells are found; or
- (c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
- (d) Birds calling from a stationary location within the area; or
- (e) Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, mea-

sured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or

(c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(4) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or

(c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(5) In determining the existence, location and status of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Old forest habitat" see WAC 222-16-085 (1)(a).

"Operator" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"**Pesticide**" means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

"**Plantable area**" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"**Power equipment**" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"**Public resources**" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"**Qualified surveyor**" means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

"**Rehabilitation**" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"**Relief culvert**" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"**Resource characteristics**" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"**Riparian management zone**" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"**Rodenticide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salmonid listed areas" means the geographic areas as mapped in WAC 222-16-088. Detailed maps are available from the department at its regional offices.

"**Salvage**" means the removal of snags, down logs, windthrow, or dead and dying material.

"**Scarification**" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"**Shorelines of the state**" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"**Side casting**" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"**Site preparation**" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"**Skid trail**" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"**Slash**" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"**SOSEA goals**" means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"**Spoil**" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"**Spotted owl dispersal habitat**" see WAC 222-16-085(2).

"**Spotted owl special emphasis areas (SOSEA)**" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"**Stop work order**" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"**Sub-mature habitat**" see WAC 222-16-085 (1)(b).

"**Suitable marbled murrelet habitat**" means a contiguous forested area containing trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

(a) Within 50 miles of marine waters;

(b) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(c) Two or more nesting platforms per acre;

(d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar forest stand characteristics (age, species composition, forest structure) to the forested area in which the nesting platforms occur.

"**Suitable spotted owl habitat**" see WAC 222-16-085(1).

"**Threatened or endangered species**" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of

wildlife designated as "threatened" or "endangered" by the Washington fish and wildlife commission.

"**Timber**" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"**Water bar**" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"**Watershed administrative unit (WAU)**" means an area shown on the map specified in WAC 222-22-020(1).

"**Watershed analysis**" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"**Weed**" is any plant which tends to overgrow or choke out more desirable vegetation.

"**Western Washington**" means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

"**Wetland**" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"**Wetland functions**" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"**Wetland management zone**" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"**Wildlife**" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"**Wildlife reserve trees**" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall

be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"**Windthrow**" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"**Young forest marginal habitat**" see WAC 222-16-085 (1)(b).

AMENDATORY SECTION (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

WAC 222-16-050 Classes of forest practices. There are 4 classes of forest practices created by the act. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "**Class IV - special.**" Application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

*(a) Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070 or ground application of a pesticide within a Type A or B wetland.

(b) Specific forest practices listed in WAC 222-16-080 on lands designated as:

(i) Critical wildlife habitat (state) of threatened or endangered species; or

(ii) Critical habitat (federal) of threatened or endangered species except those excluded by the board under WAC 222-16-080(3).

(c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

*(d) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on slide prone areas as defined in WAC 222-24-020(6) and field verified by the department, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, when such slide prone areas occur on an unin-

interrupted slope above water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or capital improvement of the state or its political subdivisions where there is potential for a substantial debris flow or mass failure to cause significant impact to public resources.

*(e) Timber harvest in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, on slide prone areas, field verified by the department, where soils, geologic structure, and local hydrology indicate that canopy removal has the potential for increasing slope instability, when such areas occur on an uninterrupted slope above any water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or a capital improvement of the state or its political subdivisions where there is a potential for a substantial debris flow or mass failure to cause significant impact to public resources.

(f) Timber harvest, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation, as high avalanche hazard.

(g) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves, or glyptic records, as provided for in chapters 27.44 and 27.53 RCW. The department shall consult with affected Indian tribes in identifying such sites.

*(h) Forest practices subject to a watershed analysis conducted under chapter 222-22 WAC in an area of resource sensitivity identified in that analysis which deviates from the prescriptions (which may include an alternate plan) in the watershed analysis.

*(i) Filling or draining of more than 0.5 acre of a wetland.

*(j) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas within 200 feet of a type 1 water within the areas on the salmonid listed map in WAC 222-16-088.

(2) "Class IV - general." Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030(2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-16-060 and 222-34-050.)

(3) "Class I." Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

*(b) Road maintenance except: (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters or Type A or B Wetlands.

*(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or 3 Water, the ordinary high-water mark of a Type 4 Water, a wetland management zone, a wetland, or the CRGNSA Special Management Area.

*(d) Construction of less than 600 feet of road on a side-slope of 40 percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, the ordinary high-water mark of a Type 4 Water, a wetland management zone, a wetland, or the CRGNSA Special Management Area.

*(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

*(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning, if not within the CRGNSA Special Management Area.

(j) Tree planting and seeding.

(k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period, if not within the CRGNSA Special Management Area.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

*(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type 1 Water, the riparian management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water, a wetland management zone, a wetland, or the CRGNSA Special Management Area.

*(o) Ground application of chemicals, if not within the CRGNSA Special Management Area. (See WAC 222-38-020 and 222-38-030.)

*(p) Aerial application of chemicals (except insecticides), outside of the CRGNSA Special Management Area when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type 1 Water or the riparian management zone of a Type 2 or 3 Water, or within the ordinary high-water mark of a Type 4 Water or flowing Type 5 Water, or within the CRGNSA Special Management Area and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(s) Removal of beaver structures from culverts on active and inactive roads. A hydraulics project approval from the Washington department of fish and wildlife may be required.

(4) "Class II." Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: *Provided*, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification where no change in the nature and extent of the forest practices is required under rules effective at the time of renewal.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal.

*(c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone, within a wetland, or within the CRGNSA Special Management Area:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

*(d) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

Salvage of logging residue.

*(e) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone, within a wetland, or within the CRGNSA Special Management Area, and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(iv) Any harvest on less than 40 acres.

(v) Construction of 600 or more feet of road, provided that the department shall be notified at least 2 business days before commencement of the construction.

(5) "Class III." Forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

*(b) Those within the shorelines of the state other than those in a Class I forest practice.

*(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

*(d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

*(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

*(f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

*(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters or Type A or B Wetlands.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

*(n) Any filling of wetlands, except where classified as Class IV forest practices.

*(o) Harvesting, site preparation or aerial application of pesticides within 200 feet of a type 1, 2, or 3 water, or road construction within 200 feet of a type 2 or 3 water, within the areas on the salmonid listed map in WAC 222-16-088.

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

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species. (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of fish and wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of fish and wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of fish and wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of fish and wildlife, between the dates of March 1 and

July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of fish and wildlife.

(h) Northern spotted owl - the following shall apply through June 30, 1996: Harvesting, road construction, or aerial application of pesticides on the most suitable 500 acres of nesting, roosting, and foraging habitat surrounding the northern spotted owl site center. The most suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife, tribes, and others with applicable expertise. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable 500 acres of habitat.

Beginning July 1, 1996, the following shall apply for the northern spotted owl:

(i) **Within a SOSEA boundary** (see maps in WAC 222-16-086), except as indicated in (h)(ii) of this subsection, harvesting, road construction, or aerial application of pesticides on suitable spotted owl habitat within a median home range circle that is centered within the SOSEA or on adjacent federal lands.

(ii) **Within the Entiat SOSEA**, harvesting, road construction, or aerial application of pesticides within the areas indicated for demographic support (see WAC 222-16-086(2)) on suitable spotted owl habitat located within a median home range circle that is centered within the demographic support area.

(iii) **Outside of a SOSEA**, harvesting, road construction, or aerial application of pesticides, between March 1 and August 31 on the seventy acres of highest quality suitable spotted owl habitat surrounding a northern spotted owl site center located outside a SOSEA. The highest quality suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife. Consideration shall be given to habitat quality, proximity to the activity center and contiguity.

(iv) **Small parcel northern spotted owl exemption.** Forest practices proposed on the lands owned or controlled by a landowner whose forest land ownership within the SOSEA is less than or equal to 500 acres and where the forest practice is not within 0.7 mile of a northern spotted owl site center shall not be considered to be on lands designated as critical wildlife habitat (state) for northern spotted owls.

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet.

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat within a marbled murrelet detection area.

(iii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat containing 7 platforms per acre outside a marbled murrelet detection area.

(iv) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction outside a marbled murrelet detection area within a marbled murrelet special landscape and within suitable marbled murrelet habitat with 5 or more platforms per acre.

(v) Harvesting within a 300 foot managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stand stem density of 75 trees per acre greater than 6 inches in dbh; provided that 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches in dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to a maximum of 400 feet as long as the average of 300 feet is maintained.

(vi) Except that the following shall not be critical wildlife habitat (state):

(A) Where a landowner owns less than 500 acres of forest land within 50 miles of saltwater and the land does not contain an occupied marbled murrelet site; or

(B) Where a protocol survey (see WAC 222-12-090(14)) has been conducted and no murrelets were detected. The landowner is then relieved from further survey requirements. However, if an occupied marbled murrelet site is established, this exemption is void.

* (k) Salmonids - harvesting, road construction, aerial applications of pesticides, or site preparation, within the areas on the salmonid listed map in WAC 222-16-088, within 100 feet of a type 1, 2, or 3 water.

(2) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

Marbled murrelet critical habitat 50 C.F.R. §17.95(b), 61 Fed. Reg. 26256 as a result of provisions of the state's marbled murrelet rule.

(3) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington fish and wildlife commission and/or the United States Secretary of the Interior, the department shall after consultation with the department of fish and wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(4) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the

potential for a substantial impact on the environment, the department shall, after consultation with the department of fish and wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (2) of this section. See WAC 222-16-050 (1)(b)(ii).

(5)(a) Except for bald eagles under subsection (1)(a) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington fish and wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of fish and wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(6) Regardless of any other provision in this section, forest practices applications shall not be classified as Class IV-Special based on critical wildlife habitat (state) (WAC 222-16-080(1)) or critical habitat (federal) (WAC 222-16-050 (1)(b)(ii)) for a species if the forest practices are consistent with one of the following proposed for protection of the species:

(a) A habitat conservation plan and permit or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. § 1536 (b) or 1539 (a); an "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or a "no-take letter" or other cooperative or conservation agreement entered into with a federal or state fish and wildlife agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species and that is subject to review under the National Environmental Protection Act, 42 U.S.C. § 4321 et seq., or the State Environmental Policy Act, chapter 43.21C RCW, as applicable;

(b) A rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d);

(c) A special wildlife management plan (SWMP) developed by the landowner and approved by the department in consultation with the department of fish and wildlife;

(d) A bald eagle management plan approved under WAC 232-12-292;

(e) A landowner option plan (LOP) for northern spotted owls developed pursuant to WAC 222-16-100(1); or

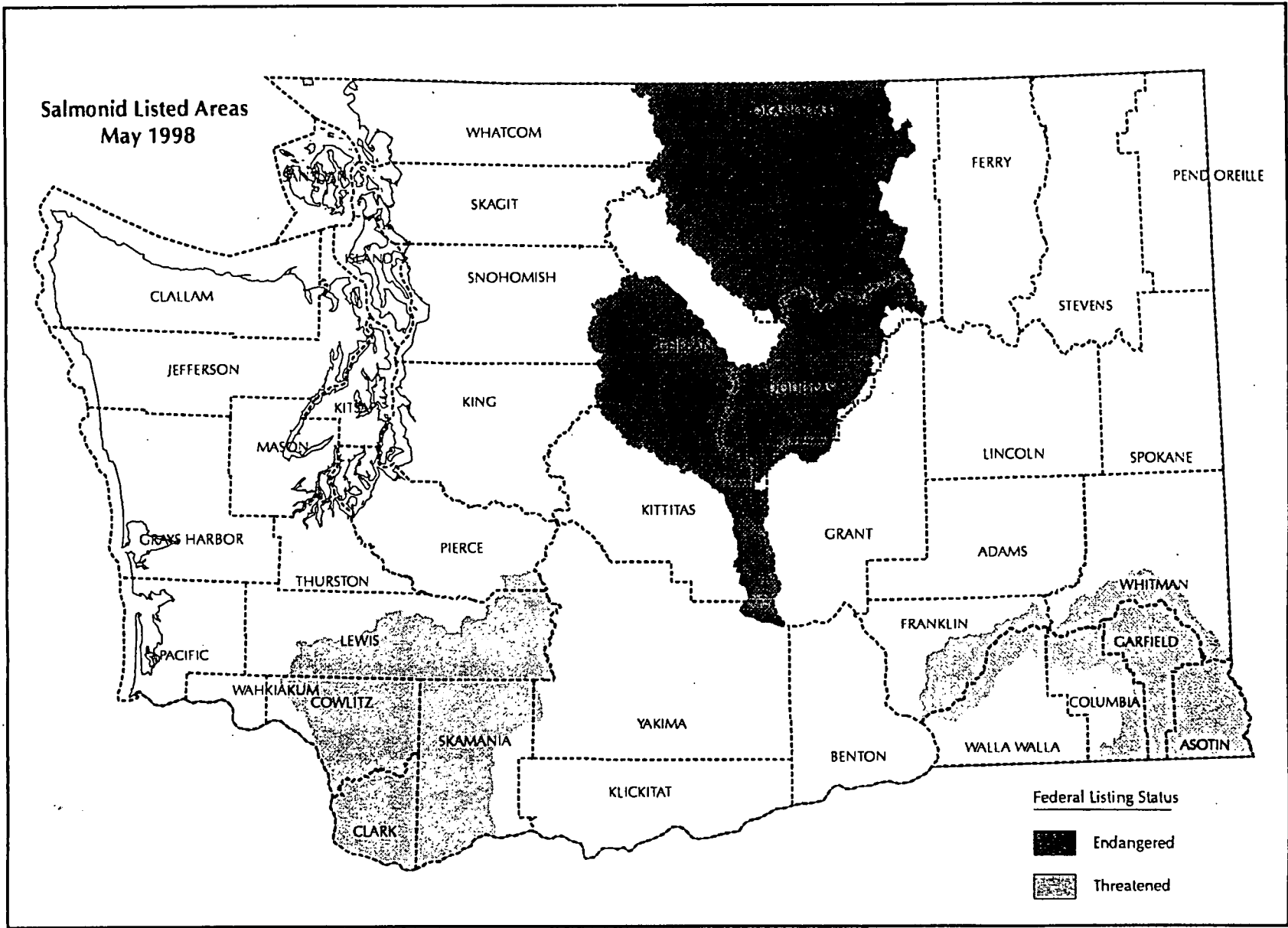
(f) A cooperative habitat enhancement agreement (CHEA) developed pursuant to WAC 222-16-105.

In those situations where one of the options above has been used, forest practices applications may still be classified as Class IV-Special based upon the presence of one or more of the factors listed in WAC 222-16-050(1), other than critical wildlife habitat (state) or critical habitat (federal) for the species covered by the existing plan.

(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, the department shall recommend to the board the suspension, deletion, modification or reestablishment of the applicable SOSEA from the rules. The department shall conduct a review for a particular SOSEA upon approval of a landowner option plan, a petition from a landowner in the SOSEA, or under its own initiative.

(8) The department, in consultation with the department of fish and wildlife, shall report annually to the board on the status of the northern spotted owl to determine whether circumstances exist that substantially interfere with meeting the goals of the SOSEAs.

WAC 222-16-088 *Salmonid listed areas.



AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-24-050 Road maintenance. *(1) Road maintenance and abandonment plan.

(a) The department will identify priorities for road maintenance and abandonment plans by watershed administrative unit by region using information such as the Lower Columbia Steelhead Conservation Initiative. Landowners with 500 acres or more of ownership within the areas on the salmonid listed map in WAC 222-16-088 and in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, must submit within 90 days after notification by the department, for department approval, a road maintenance and abandonment plan for those drainages or road systems, within the identified watershed administrative units, that are active or will be active within two years. This subsection does not apply to landowners with an approved habitat conservation plan that has specific provisions for road maintenance.

(b) Landowners with less than 500 acres within the areas on the salmonid listed map in WAC 222-16-088 and in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC must submit a road maintenance and abandonment plan covering their entire ownership within the areas on the map in WAC 222-16-088 to the department along with any forest practice notification or application for proposed road or harvest activities.

(c) Landowners not within areas on the salmonid listed map in WAC 222-16-088, when notified by the department, shall submit a plan for road maintenance and abandonment for those drainages or road systems the department determines based on physical evidence to have a potential to damage public resources.

(d) The road maintenance and abandonment plan is subject to annual review. The plan must pay particular attention to those road segments that block fish passage or have the potential to deliver water or sediment to any typed water, and shall include:

- (i) Ownership maps showing the road or road system;
- (ii) Road status, whether active, inactive, orphan, abandoned or planned for abandonment;
- (iii) Maintenance schedule and priorities for the year; and

(iv) Plan for further maintenance and reconstruction beyond the current year for repair of extensive damage.

~~((b))~~ (e) The plan shall be submitted to the department region office on or before June 30, 1988, and each June 30th thereafter unless the department agrees that no further plans are necessary.

~~((e))~~ (f) The department will review the plan annually with the landowner to determine whether it will be effective and is being implemented.

~~((d))~~ (g) Such plans shall also be reviewed with departments of ecology, fish and wildlife, ~~and~~ affected Indian tribes, and interested parties, any of whom may request the department to hold an informal conference with the landowner.

(NOTE: The road maintenance and abandonment training manual and other materials made available by the depart-

ment can be used for guidance in developing road maintenance and abandonment plans.)

***(2) Active roads.** An active road is a forest road being actively used for hauling of logs, pulpwood, chips, or other major forest products or rock and other road building materials. To the extent necessary to prevent damage to public resources, the following maintenance shall be conducted on such roads:

(a) Culverts and ditches shall be kept functional.

(b) Road surface shall be maintained as necessary to minimize erosion of the surface and the subgrade.

(c) During and on completion of operations, road surface shall be crowned, outsloped, or water barred and berms removed from the outside edge except those intentionally constructed for protection of fills.

***(3) Inactive roads.** An inactive road is a forest road on which commercial hauling is discontinued for 1 or more logging seasons, and the forest landowner desires continuation of access for fire control, forest management activities, Christmas tree growing operations, occasional or incidental use for minor forest products harvesting or similar activities on such inactive roads:

(a) Before the first winter rainy season following termination of active use, nonfunctional ditches and culverts shall be cleared and the road surface shall be crowned, outsloped, water barred or otherwise left in a condition not conducive to accelerated erosion or interrupt water movement within wetlands; and

(b) Thereafter, except as provided in (c) of this subsection, the landowner shall clear or repair ditches or culverts which he/she knows or should know to be nonfunctional and causing or likely to cause material damage to a public resource.

(c) The landowner shall not be liable for penalties or monetary damages, under the act, for damage occurring from a condition brought about by public use, unless he/she fails to make repairs as directed by a notice to comply.

***(4) Additional culverts/maintenance.** If the department determines based on physical evidence that the above maintenance has been or will be inadequate to protect public resources and that additional measures will provide adequate protection it shall require the landowner or operator to either elect to:

(a) Install additional or larger culverts or other drainage improvements as deemed necessary by the department; or

(b) Agree to an additional road maintenance program. Such improvements in drainage or maintenance may be required only after a field inspection and opportunity for an informal conference.

***(5) Abandoned roads.** An abandoned road is a forest road which the forest landowner has abandoned in accordance with procedures of (a) through (e) of this subsection. Roads are exempt from maintenance only after (e) of this subsection is completed:

(a) Roads are outsloped, water barred, or otherwise left in a condition suitable to control erosion and maintain water movement within wetlands; and

(b) Ditches are left in a suitable condition to reduce erosion; and

(c) The road is blocked so that four wheel highway vehicles can not pass the point of closure at the time of abandonment; and

(d) Bridges, culverts, and fills on all waters are removed, except where the department determines other measures would provide adequate protection to public resources.

(e) The department shall determine whether the road has been abandoned according to procedures of this subsection. If the department determines the road is properly abandoned, it shall within thirty days notify the landowner in writing that the road is officially abandoned.

***(6) Brush control.** Chemical control of roadside brush shall not be done where chemicals will directly enter any Type 1, 2, or 3 or flowing Type 4 or 5 Water or Type A or B Wetlands. Refer to WAC 222-38-020 for additional information.

***(7) Road surface treatment.**

(a) Apply oil to the road surface only when the temperature is above 55 degrees F and during the season when there is a minimal chance of rain for the next 48 hours. Use of waste oil is subject to RCW 70.95I.060(5).

(b) Water the road surface prior to application of oil to assist in penetration.

(c) Construct a temporary berm along the road shoulder wherever needed to control runoff of the applied chemical.

(d) Take extreme care to avoid excess application of road chemicals. Shut-off the flow at all bridges.

(e) When cleaning out chemical storage tanks or the application equipment tanks used for storage and application of road treatment materials, dispose of the rinse water fluids on the road surface or in a place safe from potential contamination of water.

(f) The use of dry road chemicals shall be in compliance with WAC 222-38-020.

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

WAC 222-30-040 Shade requirements to maintain stream temperature. *(1) Determination of adequate shade. The temperature prediction method in subsections (2) and (3) of this section shall be used to determine appropriate shade levels for flowing Type 1, 2, and 3 Waters to prevent excessive water temperatures which may have detrimental impact on aquatic resources.

***(2) Temperature prediction method.**

(a) In addition to the riparian management zone requirements, leave trees shall be retained in riparian management zones on flowing Type 1, 2, and 3 Waters ~~((as provided by))~~.

(b) Leave trees shall also be retained as needed along the first 500 feet of flowing Type 4 or 5 Waters above Type 1, 2, and 3 Waters in the salmonid listed areas map in WAC 222-16-088. This provision, however, does not apply to landowners with an approved habitat conservation plan that has specific provisions for salmonids.

(c) The temperature prediction method is described in the board manual ~~((which))~~ and it includes the following considerations:

- ~~((a))~~ (i) Minimum shade retention requirements; and

~~((b))~~ (ii) Regional water temperature characteristics; and

~~((c))~~ (iii) Elevation; and

~~((d))~~ (iv) Temperature criteria defined for stream classes in chapter 173-201A WAC.

* (3) Leave tree requirements for shade. The method described in subsection (2) of this section shall be used to establish the minimum shade cover based on site specific characteristics. When site specific data indicate that preharvest conditions do not meet the minimums established by the method, no additional shade removal from riparian management zones will be allowed.

(4) **Waivers.** The department may waive or modify the shade requirements where:

(a) The applicant agrees to a staggered setting program producing equal or greater shade requirements to maintain stream temperature; or

(b) The applicant provides alternative means of stream temperature control satisfactory to the department; or

(c) The temperature method indicates that additional shade will not affect stream temperature.

**WSR 98-13-004
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-91—Filed June 3, 1998, 4:30 p.m., effective June 8, 1998, 12:01 a.m.]

Date of Adoption: June 3, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-285.

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 intended to keep the recreational harvest of sturgeon from The Dalles Reservoir and its tributaries within the established harvest guidelines. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

EMERGENCY

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 8, 1998, 12:01 a.m.

June 3, 1998
Bern Shanks
Director

NEW SECTION

WAC 220-56-28500R Sturgeon—Areas and seasons.

Notwithstanding the provisions of WAC 220-56-285, effective 12:01 a.m. June 8, 1998 until further notice, it is unlawful to retain sturgeon from the Columbia River and its tributaries from the Dalles Dam to John Day Dam.

**WSR 98-13-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-97—Filed June 3, 1998, 4:33 p.m., effective June 6, 1998, 8:00 a.m.]

Date of Adoption: June 3, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Q; and 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: This rule is needed to regulate a juvenile fishing derby on planted trout. Following conclusion of the derby the planted trout are available to all fishers. 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: June 6, 1998, 8:00 a.m.

June 3, 1998
Bern Shanks
Director

NEW SECTION

WAC 232-28-61900Q Bridgeport fishing derby. Notwithstanding the provisions of WAC 232-28-619, effective 8:00 a.m., June 6 through 8:00 p.m. June 7, 1998, in those waters of the Columbia River inside the blocked-off portion of the City of Bridgeport Marina:

(1) Open to juvenile fishers only from 8:00 a.m. to 4:00 p.m. June 6, 1998. Trout: Limit four fish during the fishery provided for in this subsection. No minimum size.

(2) Open to all fishers from 4:01 p.m. June 6 through 8:00 p.m. June 7, 1998. Trout: No daily or possession limit during the fishery provided for in this subsection. No minimum size.

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:01 p.m. June 7, 1998:

WAC 232-28-61900Q Bridgeport fishing derby

**WSR 98-13-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-98—Filed June 3, 1998, 4:35 p.m.]

Date of Adoption: June 3, 1998.

Purpose: Subsistence fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05500M and 220-32-05500P; and amending WAC 220-32-055.

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: Harvestable numbers of spring chinook are available for tribal subsistence fisheries. Seasons are consistent with state/tribal negotiations that occurred earlier this year. 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 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 3, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-32-05500P Columbia River tributaries - Subsistence Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakima treaty to take or possess salmon taken for subsistence purposes from the Yakima River, Klickitat River, Wind River, White Salmon River, and Ringold in the Columbia River except under the following provisions:

1) In the Yakima River in the vicinity of Horn Rapids Dam and Wapato Dam, and where the Yakima River borders the reservation, fishing is allowed from noon Wednesday to 6 p.m. Saturday each week effective immediately to June 20, 1998.

2) In the Wind River from the mouth to a marker 400 feet downstream of Shipperd Falls, fishing is allowed 6 a.m. Monday to 6 p.m. Saturday, each week effective immediately until June 6, 1998.

3) In the White Salmon River from the mouth to Condit Dam, fishing is allowed from 6 a.m. Monday to 6 p.m. Saturday each week effective immediately until June 13, 1998.

4) In the Columbia River from the marker located approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a boundary marker approximately 1/4 mile downstream of Ringold wasteway outlet, fishing is allowed from 6 a.m. Monday to 6 p.m. Saturday, weekly effective immediately to July 25, 1998.

5) In the Icicle River where it borders the property of the Leavenworth National Fish Hatchery fishing is allowed from 9:00 p.m. Wednesdays to noon Saturdays, weekly from June 3 to July 4, 1998

6) **ALLOWABLE GEAR:** Dipnets, setbag nets, or rod and reel with bait or lures. Any other fishing methods, such as snagging of fish, are unlawful.

7) **OTHER RULES:** It shall be unlawful to place fishing platforms, or to take, molest, injure, or fish for salmon and steelhead within 25 feet of the dam or any fish ladder, fishway, or fish bypass pipes. Fishing is not allowed from boats or any other floating devices, except in the Wind River.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500M Columbia River tributaries—
Subsistence. (98-47)

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. July 25, 1998:

WAC 220-32-05500P Columbia River tributaries—
Subsistence.

WSR 98-13-013 EMERGENCY RULES DEPARTMENT OF AGRICULTURE

[Filed June 5, 1998, 8:47 a.m.]

Date of Adoption: June 5, 1998.

Purpose: To describe the requirements for registration for commercial fertilizers, including the methods to use for analysis for metals and specifying the metals information which must be submitted with the registration application; to describe the methods for determining maximum use rates for plant nutrients; to set the Washington application rates; to express the Washington standards for metals in pounds per acre per year; to describe how the department will determine if a commercial fertilizer meets or exceeds the metals standards; and to describe a violation of the rules.

Citation of Existing Rules Affected by this Order: Amending WAC 16-200-695 and 16-200-708.

Statutory Authority for Adoption: RCW 15.54.325, 15.54.330, 15.54.370, 15.54.800.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The 1998 legislature passed SSB 6474 which amends chapter 15.54 RCW, the commercial fertilizer registration law, and adopts standards for maximum acceptable cumulative metals additions to soil. This new law requires persons who register commercial fertilizers in Washington to disclose the levels of nine metals which may be present in a commercial fertilizer. It takes effect on June 11, 1998. Under chapter 15.54 RCW, the 1998 annual commercial fertilizer registration period begins on July 1, 1998. These emergency rules adopt the methods for metals analysis and reporting which will enable the fertilizer industry to analyze their products for these nine metals and report the results for the 1998 registration. The emergency rules also set the Washington application rates and express the Washington standards for metals in pounds per acre per year to enable the industry and the department to determine if a

commercial fertilizer meets or exceeds the Washington standards for metals.

These emergency rules are required for the preservation of the general welfare and are in the public interest because they will enable the department to implement and enforce the requirements in SSB 6474 in a timely manner against commercial fertilizer which do not meet Washington standards.

This emergency rule supercedes the emergency filed on May 27, 1998, WSR 98-12-018.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 4, Amended 3, 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: June 11, 1998.

June 5, 1998

Jim Jesernig
Director

AMENDATORY SECTION (Amending Order 2066, filed 12/7/90, effective 1/7/91)

WAC 16-200-695 Definitions. The definitions set forth in this section shall apply throughout this chapter unless context otherwise requires:

(1) "Organic" means a material containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth. When the term "organic" is utilized in the label or labeling of any commercial fertilizer, it shall be qualified as either "synthetic organic" or "natural organic," with the percentage of each specified.

(2) "Natural organic" means a material derived from either plant or animal products containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.

(3) "Synthetic organic" means a material that is manufactured chemically (by synthesis) from its elements and other chemicals, containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.

(4) "Unit" means one percent (by weight) of a ton.

(5) "AOAC" means the association of official analytical chemists.

(6) "Commercial fertilizer" means any substance containing one or more recognized plant nutrients and which is used for its plant nutrient content and/or which is designated for use or claimed to have value in promoting plant growth, and shall include limes, gypsum, and manipulated animal and vegetable manures. It shall not include unmanipulated animal

and vegetable manures and other products exempted by the department by rules.

(7) "Fertigation" means a method of applying commercial fertilizers with irrigation water to fertilize land or plants.

(8) "Fertilizer component" means a commercial fertilizer ingredient containing one or more recognized plant nutrients which is incorporated in the commercial fertilizer for its plant nutrient value.

(9) "Maximum acceptable cumulative metals additions to soil" means the amount of metals that can be added to soil over a 45-year period of time without exceeding the Canadian Standards which have been adopted in RCW 15.54.800(3) as Washington Standards for metals.

AMENDATORY SECTION (Amending Order 2066, filed 12/7/90, effective 1/7/91)

WAC 16-200-705 Purpose. The following sections concerning the protection of ground water, labeling requirements and examination of fertilizer minerals and limes (WAC 16-200-708 through 16-200-742) are established in this chapter under the authority of the Commercial Fertilizer Act, chapter 15.54 RCW. This chapter also describes the requirements for registration of commercial fertilizers, including the information which must be submitted as part of the registration application, the analysis methods which must be used, the maximum use rates the department will use to determine whether a commercial fertilizer may be registered, the Washington Standards for metals and the acts which are unlawful under this chapter.

NEW SECTION

WAC 16-200-7061 What information must I include with my registration application concerning metals? (1) You are required to submit the following metals information with your registration application:

- (a) Total concentration of each metal reported in parts per million (PPM) which is equivalent to milligrams of metal per kilogram of fertilizer (mg/kg), or micrograms per gram;
- (b) Copy of the laboratory report on metals analysis;
- (c) Method of analysis;
- (d) Method of sample preparation; and
- (e) Minimum detection limits for each method used.

(2) The department may request quality assurance and quality control documentation for analytical procedures and/or for the laboratory which performed the analyses.

(3) The analytical data and maximum use rate will be used to determine if a commercial fertilizer meets or exceeds the Washington standards for metals.

NEW SECTION

WAC 16-200-7062 What method must I use to analyze the metals contained in my commercial fertilizer? (1) You must prepare and analyze your commercial fertilizer for the total concentration of each of the following nine metals using one or more of the EPA methods listed in Table 1. All methods are described in the U.S. Environmental Protection Agency's SW-846.

Table 1. Acceptable Analysis Methods for Metals Contained in SW-846.

Metal	Inductively Coupled Plasma (ICP)	Atomic Absorption	Inductively Coupled Plasma Mass Spectroscopy (ICP/MS)
Arsenic (As)	6010, 6010A, 6010B	7060A, 7061A	6020
Cadmium (Cd)	6010, 6010A, 6010B	7131A	6020
Cobalt (Co)	6010, 6010A, 6010B	7201	6020
Lead (Pb)	6010, 6010A, 6010B	7420, 7421	6020
Molybdenum (Mo)	6010, 6010A, 6010B	7480	6020
Nickel (Ni)	6010, 6010A, 6010B	7520,7521	6020
Selenium (Se)	6010, 6010A, 6010B	7740, 7741A	6020
Zinc (Zn)	6010, 6010A, 6010B	7951	6020
Mercury (Hg)		7470A,7471A	
Sample Preparation	3050B		3050B

Copies of SW-846 Third Edition and all associated updates are available from: The Government Printing Office, Superintendent of Documents, Washington, DC 20402, (202) 512-1800, and from the Department of Commerce,

(2) Other analysis methods for total concentration of each metal may be used only under the following conditions:

(a) You must submit a request to the department, in writing, detailing the sample preparation and analysis methods, minimum detection limits and quality assurance and quality control documentation.

(b) The department, after reviewing the request, may approve the analysis method only if the capability of the method meets or exceeds the sensitivity and accuracy of the applicable method listed in the Table 1.

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

NEW SECTION

WAC 16-200-7063 How will the department determine the maximum use rate for my commercial fertilizer?

(1) To determine the maximum use rate for a commercial fertilizer, the department will use the commercial fertilizer label directions for use. If specific label directions for use are not available, the department will use the following Washington Application Rates to determine the maximum use rate of the commercial fertilizer.

Nutrient	4 Yr. Cumulative Total (lbs./acre)
Nitrogen (N)	1600
Phosphorous (as P2O5)	700
Potassium (as K2O)	1600
Boron (B)	12
Calcium (Ca)	800
Chlorine (Cl)	300
Copper (Cu)	10

Nutrient	4 Yr. Cumulative Total (lbs./acre)
Iron (Fe)	80
Magnesium (Mg)	400
Manganese (Mn)	40
Molybdenum (Mo)	4
Sulfur (S)	300
Zinc (Zn)	30
Lime (CaCO3 equivalent)	12,000
Gypsum (CaSO4)	12,000

(2) To ensure that the maximum acceptable cumulative metals additions to soil are not exceeded, the department will assume the commercial fertilizer will be applied at the maximum rate as stated on the label or established in this rule.

NEW SECTION

WAC 16-200-7064 What are the Washington standards for metals? (1) The standards for metals in Washington are the maximum acceptable annual metals additions to soils adopted in RCW 15.54.800 and are presented in Table 2. Because the Canadian standards contained in the Canadian Trade Memorandum T-4-93 dated August 1996 are based on long-term (45-year) cumulative metals additions to soils, the maximum acceptable annual metals additions to soils are determined by dividing the Canadian standards by 45. The Washington standards are expressed as pounds per acre per year.

Table 2. Washington Standards For Metals.

Metals	Lbs./acre/yr.
Arsenic (As)	.297
Cadmium (Cd)	.079

EMERGENCY

Metals	Lbs./acre/yr.
Cobalt (Co)	.594
Mercury (Hg)	.019
Molybdenum (Mo)	.079
Nickel (Ni)	.713
Lead (Pb)	1.981
Selenium (Se)	.055
Zinc (Zn)	7.329

(2) To be registered with the department and distributed in Washington, a commercial fertilizer must not exceed the above standards. Because cobalt (Co), molybdenum (Mo), and zinc (Zn) are also plant nutrients, higher concentrations than those presented in the table may be permitted. Commercial fertilizers which contain cobalt (Co), molybdenum (Mo), and/or zinc (Zn) concentrations may be registered and distributed in Washington if those metals are used as plant nutrients and those metals meet all applicable minimum guarantees and labeling requirements of chapter 15.54 RCW and the rules adopted thereunder.

(3) If a commercial fertilizer contains cobalt (Co), molybdenum (Mo), or zinc (Zn) and any one or more of those metals are not intended to be used as a plant nutrient, then the non-plant nutrient metals must meet the Standards shown in Table 2.

AMENDATORY SECTION (Amending Order 2066, filed 12/7/90, effective 1/7/91)

WAC 16-200-708 Unlawful acts. (1) It shall be unlawful for any person to refuse or neglect to comply with the provisions of the applicable sections of chapter 15.54 RCW, the rules adopted thereunder, or any lawful order of the department.

(2) It is unlawful to distribute a commercial fertilizer in Washington that exceeds the standards for non-nutritive substances established in RCW 15.54.800(3). The department will determine if a commercial fertilizer exceeds the standards by using the maximum use rates and by either:

(a) Comparing data submitted by the registrant to the standards established in WAC 16-200-7064; or

(b) Comparing the results of the analysis of an official sample to the standards established in WAC 16-200-7064. Official samples will be analyzed by the methods set forth in these rules.

does not include agreements that are contingent on funding, enrollment, or program changes. New rules are adopted establishing objective criteria defining schools with a twelve-month academic period, defining terms, and clarifying "reasonable assurance."

Citation of Existing Rules Affected by this Order: Repealing WAC 192-16-051 and 192-16-052.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.20.010.

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: ESHB 2947 amends RCW 50.44.050 and 50.44.053, pertaining to unemployment benefits for educational employees. The legislation contained an emergency clause which made it effective upon signing, March 30, 1998. The new legislation thus applies to educational employees applying for benefits during the summer 1998 term. There was insufficient time between the legislation's effective date and the beginning of summer term for the department to complete the adoption of permanent rules. Emergency rules are needed during the permanent rule adoption process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 0, Repealed 2.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 5, 1998

Cindy Zehnder

Deputy Commissioner

Chapter 192-210 WAC

SPECIAL CATEGORY OCCUPATIONS

NEW SECTION

WAC 192-210-005 Definitions—Educational employees. (1) **Contract.** An agreement that is binding on an educational institution to provide work and on an individual to perform services. Tenure status is considered a contract.

EMERGENCY

WSR 98-13-015
EMERGENCY RULES
EMPLOYMENT SECURITY DEPARTMENT
 [Filed June 5, 1998, 9:40 a.m.]

Date of Adoption: June 4, 1998.

Purpose: To adopt rules implementing ESHB 2947, which took effect on March 30, 1998. This bill amended RCW 50.44.050 to modify the definition of "academic year" for all educational institutions. It also amended RCW 50.44.053 to delete the provision that "reasonable assurance"

(2) **Faculty.** A teacher, counselor, librarian, or other position with similar training, experience and level of responsibility.

(3) **Full time employment.** Employment designated as full time for or at the educational institution under a collective bargaining agreement, individual hiring contract, or other agreement (including institutional policies), as provided in RCW 50.04.310(2). For faculty at public institutions, the hiring contract, agreement or institutional policy must be consistent with the provisions of RCW 28A.150.220 (kindergarten through twelfth grade), RCW 28B.50.851 (community and technical colleges), RCW 28B.35.120 (regional universities), or RCW 28B.20.130 (other colleges and universities).

(4) **Under the same terms and conditions of employment.** This includes economic conditions of employment such as wages, duration of contract, hours of work, and general nature of the work. It does not include other conditions and details such as the specific work location, duties, or assignment. The position need not be identical to the previous position to meet this test. A position would be considered to be under the same terms and conditions of employment if it is of similar type or classification, with similar pay, fringe benefits, hours of work, general type of work, and duration of employment.

NEW SECTION

WAC 192-210-010 What are the objective criteria used to define "academic year"?—RCW 50.44.050(5). Summer term will be considered part of the academic year for a particular educational institution if:

(1) Total enrollment of full-time equivalent students during the previous summer term is more than one third of the average academic year enrollment of full-time equivalent students for the fall, winter, and spring terms of the preceding two years; and

(2) Total full-time equivalent staff during the previous summer term is at least fifty percent of the academic year average of the full-time equivalent staff during the fall, winter, and spring terms during the preceding two years.

NEW SECTION

WAC 192-210-015 How will the department decide if reasonable assurance exists? (1) Reasonable assurance is a good faith offer from an educational institution to assign an individual future work at that institution under the same terms and conditions as the individual's previous employment. It is less than a contract or written agreement, but more than a mere possibility of future employment. The department must find that continued employment for that individual is likely or probable.

(2) Decisions regarding the existence of reasonable assurance will be made on an individual basis, with consideration given to contingencies that may exist in the individual case.

(3) If there is a disagreement regarding whether an individual has reasonable assurance, the institution must provide

the department with documentation in support of its statement that reasonable assurance exists for that individual.

(4) Following are some, but not all, examples of the types of documentary evidence that may be provided by an institution:

(a) The terms of any contract or agreement between the individual and the educational institution, including length, contingencies, or provisions for cancellation,

(b) Whether the employer pays fringe benefits to the individual, such as health care, during periods between academic years or terms,

(c) The number of comparable positions at the institution,

(d) Projections of student enrollment, school funding, or program funding contained in the institution's budget,

(e) Any hiring priorities used by the school, such as precedence given to full-time or tenured staff or the use of seniority lists,

(f) The individual's employment history,

(g) Whether the class(es) have been consistently offered by the institution, including whether the class has been canceled due to lack of enrollment.

(5) The existence of reasonable assurance will be determined by the total weight of the evidence, rather than the existence of any one factor included in subsection (4).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 192-16-051 Special coverage provisions for educational employees—Definitions—RCW 50.44.050(1)

WAC 192-16-052 Objective criteria used to define "academic year"—RCW 50.44.050(5)

**WSR 98-13-016
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-99—Filed June 5, 1998, 12:20 p.m., effective June 5, 1998, 5:00 p.m.]

Date of Adoption: June 5, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-88A-07000W; and amending WAC 220-88A-070.

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: These rules are necessary to implement the 1998 State/Tribal Puget Sound shrimp harvest management plan and meet all allocation requirements under subproceeding in *United States v. Washington*. These rules will allow for a sharing of catch between treaty and nontreaty shrimp fishers. 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: June 5, 1998, 5:00 p.m.

June 5, 1998

Bern Shanks

Director

NEW SECTION

WAC 220-88A-07000X Emerging commercial fishery—Puget Sound shrimp pot. Notwithstanding the provisions of WAC 220-88A-070:

(1) Effective 5:00 p.m. June 5, 1998, further notice, it is unlawful to fish for or possess spot shrimp taken for commercial purposes with shrimp pot gear from Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 22A, 23A, 23B, 24A, 24B, 24C, 24D, 25A, 26A, 26B, and 26C.

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:00 p.m. June 5, 1998:

WAC 220-88A-07000W Emerging commercial fishery—Puget Sound shrimp pot (98-89)

**WSR 98-13-017
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-100—Filed June 5, 1998, 12:25 p.m., effective June 5, 1998, 5:00 p.m.]

Date of Adoption: June 5, 1998.
Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000F; and amending WAC 220-56-330.

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: There is harvestable surplus of Dungeness crab in Catch Record Card Areas 7, 8-1, 8-2 and 9. Test fishing data indicates that majority of crab in the areas opened under these regulations are in a hardshell condition and crab pot fishing at this time will not result in wastage of resource damage. 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: June 5, 1998, 5:00 p.m.

June 5, 1998

Bern Shanks

Director

NEW SECTION

WAC 220-56-33000G Crab—Areas and seasons. Notwithstanding the provisions of WAC 220-56-330, effective 5:00 p.m. June 5, 1998 until further notice, it is lawful to fish for and possess crab taken for personal use with shellfish pot gear in all waters of Catch Record Card Area 7 within San Juan County, all waters of Catch Record Card Areas 8-1, 8-2, and waters of Catch Record Card Area 9 within Port Townsend Bay south of a line from Point Wilson to Marrowstone Point.

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:00 p.m. June 5, 1998:

WAC 220-56-33000F Emerging commercial fishery—Puget Sound shrimp pot (98-95)

EMERGENCY

WSR 98-13-039
EMERGENCY RULES
WASHINGTON STATE PATROL

[Filed June 9, 1998, 8:58 a.m.]

Date of Adoption: June 5, 1998.

Purpose: To eliminate redundant sections of the WAC prior to [before] the 1998 July 4th fireworks season begins.

Citation of Existing Rules Affected by this Order: Repealing WAC 212-17-190, 212-17-195, 212-17-200, 212-17-205, 212-17-210, and 212-17-215.

Statutory Authority for Adoption: RCW 70.77.250, chapters 70.77, 43.43 RCW.

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 changes made to chapter 212-17 WAC, as filed on January 23, 1998, for inclusion in WSR 98-04-007 supersede these WACs, making them redundant.

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 6.

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 6.

Effective Date of Rule: Immediately.

June 5, 1998

Annette M. Sandberg
 Chief

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 212-17-190	Retailers of fireworks—Sales dates.
WAC 212-17-195	Retailers of fireworks—Sales locations.
WAC 212-17-200	Retailers of fireworks—Safety inspection.
WAC 212-17-205	Retailers of fireworks—No smoking signs.

WAC 212-17-210

Retailers of fireworks—Smoking and discharge of fireworks.

WAC 212-17-215

Retailers of fireworks—Disposition of unsold stock.

WSR 98-13-041
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Rehabilitative Services Administration)

[Filed June 9, 1998, 10:50 a.m.]

Date of Adoption: June 8, 1998.

Purpose: The Division of Developmental Disabilities is required by chapter 216, Laws of 1998, to establish emergency rules to implement the following: 1. Information and outreach to all eligible DDD persons and their families of all services provided by the division, including residential habilitation centers; and 2. eligibility criteria and procedures for offering eligible adults (and adolescents by exception) admission to RHC vacancies.

Citation of Existing Rules Affected by this Order: Amending WAC 275-27-020, 275-27-023, 275-27-040, 275-27-050, and 275-27-230.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.16.030.

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: Chapter 216, Laws of 1998, requires emergency adoption of these 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 5, 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 5, Repealed 0.

Effective Date of Rule: Immediately.

June 8, 1998

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

EMERGENCY

AMENDATORY SECTION (Amending WSR 92-09-115, filed 4/21/92, effective 5/22/92)

WAC 275-27-020 Definitions. (1) "Adolescent" means a DDD eligible child age thirteen through seventeen years.

(2) "Best interest" includes, but is not limited to, ((individual)) client-centered benefits ((designed)) to:

- (a) Prevent regression or loss of skills already acquired;
- (b) Achieve or maintain economic self-support;
- (c) Achieve or maintain self-sufficiency;
- (d) Prevent or remedy neglect, abuse, or exploitation of individuals unable to protect their own interest;
- (e) Preserve or reunite families; and
- (f) Prevent or reduce inappropriate institutional care by providing the least-restrictive setting that will meet the ((individual's)) person's medical and personal needs, such as community-based services, home-based services, or other forms of less-intensive service.

((2)) (3) "Client or person" means a person the division determines under RCW 71A.16.040 and WAC 275-27-026 eligible for division-funded services.

((3)) (4) "Community support services" means one or more of the services listed in RCW 71A.12.040 including, but not limited to the following services: Architectural, case management, early childhood intervention, employment, counseling, family support, respite care, information and referral, health services and equipment, therapy services, and residential support.

(5) "Department" means the department of social and health services of the state of Washington.

((4)) (6) "Director" means the director of the division of developmental disabilities.

((5)) (7) "Division or DDD" means the division of developmental disabilities of the department of social and health services.

((6)) (8) "Emergency" means a sudden, unexpected occurrence demanding immediate action.

((7)) (9) "Exemption" means the department's approval of a written request for an exception to a rule in this chapter.

((8)) (10) "ICF/MR" means a facility certified as an intermediate care facility for the mentally retarded by Title XIX to provide services to the mentally retarded or persons with related conditions.

((9)) (11) "ICF/MR Eligible" for admission to an ICF/MR means a person is determined by DDD as needing active treatment as defined in CFR 483.440. Active treatment requires:

- (a) Twenty-four hour supervision; and
- (b) Continuous training and physical assistance in order to function on a daily basis due to deficits in the following areas: Toilet training, personal hygiene, dental hygiene, self-feeding, bathing, dressing, grooming, and communication.

(12) "Individual" means ((the)) a person applying for ((whom)) services from the division ((services are requested)).

((10) ~~"Informed consent" means an agreement obtained from a person or the person's authorized representative, for such person's participation in an activity other than~~

~~health care. Informed consent for health care shall be provided under RCW 7.70.065. The following information is necessary to informed consent:~~

~~(a) An explanation of the procedures to be followed including an identification of experimental procedures;~~

~~(b) A description of the attendant discomforts and risks;~~

~~(c) A description of the expected benefits;~~

~~(d) A disclosure of appropriate alternative procedures;~~

~~(e) An offer to answer inquiries concerning the procedures; and~~

~~(f) Instruction that consent may be withdrawn and participation discontinued at any time.~~

((11)) (13) "Intelligence quotient score" means a full scale score on the Wechsler, or the intelligence quotient score on the Stanford-Binet or the Leiter International Performance Scale.

((12)) (14) "Nonresidential programs" means programs including, but not limited to, county-funded habilitation services.

((13)) (15) "Nursing facility eligible" means a person is assessed by DDD as meeting the requirements for admission to a licensed nursing home as defined in WAC 388-97-235. The person must require twenty-four hour care provided by or under the supervision of a licensed nurse.

(16) "Residential habilitation center" or "RHC" means a state-operated facility certified to provide ICF/MR or nursing facility level of care for persons with developmental disabilities.

(17) "RHC capacity" means the maximum number of eligible persons that can reside in a residential habilitation center without exceeding its legislated budgeted capacity.

(18) "Residential programs" means ((those)) programs providing domiciliary care or other residential services, including, but not limited to, state residential facilities, group homes, nursing facilities, ICF/MRs, tenant support services, congregate care facilities, boarding homes, children's foster homes, adult family homes, and group training homes.

((14)) (19) "Respite care" means temporary residential services provided to a ((developmentally disabled)) person and ((the person's)) or the person's family on ((either)) an emergency or planned basis ((without which the individual may need an alternative living environment)).

((15)) (20) "Secretary" means the secretary of the department of social and health services or the secretary's designee.

(21) "Vacancy" means an opening at a RHC, which when filled, would not require the RHC to exceed its biannually budgeted capacity, minus:

- (a) Twenty-six beds designated for respite care use; and
- (b) Any downsizing related to negotiations with the Department of Justice regarding community placements.

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

AMENDATORY SECTION (Amending WSR 97-13-051, filed 6/13/97, effective 7/14/97)

WAC 275-27-023 Exemptions. (1) The department may approve an exemption to a specific rule in this chapter as defined under WAC 275-27-020~~((7))~~⁽⁹⁾ provided an:

(a) Assessment of the exemption shall not undermine the legislative intent of Title 71A RCW; and

(b) Evaluation of the exemption request shows granting the exemption shall not adversely effect the quality of the services, supervision, health, and safety of department-served persons.

(2) Agencies and individual providers shall retain a copy of each department-approved exemption.

(3) Exemption requests are not subject to appeal.

AMENDATORY SECTION (Amending WSR 84-15-058, filed 7/18/84)

WAC 275-27-040 Application for services. (1) ~~((All applications))~~ Individuals applying for division services ~~((shall be filed))~~ shall file an application with one of the division field services offices in the form and manner required by the director.

(2) An ~~((application may be made by an))~~ individual, ~~((or))~~ advocate ~~((for))~~, ~~((or))~~ parent ~~((or parents))~~, or guardian of such an individual may file an application for services.

(3) DDD shall inform all applicants about the complete spectrum of service options provided by the division, including the existence and availability of residential habilitation centers and community support services.

AMENDATORY SECTION (Amending WSR 86-18-049, filed 8/29/86)

WAC 275-27-050 Determination for necessary services. (1) Within sixty days from the date of the division's decision that ~~((an individual is developmentally disabled))~~ a person is eligible for division funded services, the appropriate division field services office shall evaluate the ~~((individual's))~~ person's needs to determine which services, if any, are necessary to serve the client's best interest. DDD shall explain to the person/family their available service options. In addition, DDD shall do what is reasonable to:

(a) Provide choice of service options within available funding that assists people to remain in their homes and communities;

(b) Plan and develop community support services that take into consideration the unique needs of the individual and family.

(2) ~~((Upon completion of))~~ After the evaluation is completed, and if appropriate, the division will develop an individual service plan ~~((with determination of necessary services shall be prepared))~~ pursuant to WAC 275-27-060 ~~((or other department forms as appropriate)).~~

(3) Determination of necessary services ~~((shall not be regarded as))~~ is not a guarantee of service authorization or delivery. Service authorization and delivery of services ~~((shall be))~~ are pursuant to WAC 275-27-230.

(4) The department will develop an outreach program to ensure that eligible persons are aware of all of the services provided by DDD, including community support services and residential habilitation centers.

AMENDATORY SECTION (Amending WSR 91-17-005, filed 8/9/91, effective 9/9/91)

WAC 275-27-230 Authorization of services. (1) The division's field services section shall be responsible for authorizing services ~~((received by eligible persons))~~ including, but not limited to:

(a) Placement to and from residential habilitation centers;

~~((Other))~~ Community residential services;

(c) Family support services; and

(d) Nonresidential programs.

(2) The division's authorization of services shall be based on the availability of services and funding.

(3) The division ~~((shall))~~ will include the following persons when determining authorized services:

(a) The person;

(b) The person's parent or guardian and may include:

(i) The person's advocate; or

(ii) Other responsible parties.

(4) ~~((The division shall not make an emergency or temporary admission of a person to a residential habilitation center for thirty-one days or more without the written approval of the division director or the director's designee.~~

~~((5))~~ Per RCW 71A.116.010 the division shall offer adults the choice of admittance to a residential habilitation center if all of the following conditions exist:

(a) An RHC vacancy is available;

(b) Funding, specifically designated in the state budget, is available for community support services;

(c) The person or their family is requesting residential services;

(d) The person meets ICF/MR or nursing facility eligibility for the available RHC vacancy;

(e) The person is the most in need of residential services as determined by DDD after reviewing all persons determined eligible for ICF/MR or nursing facility level of care. DDD will make this selection based on the following criteria:

(i) The person is age eighteen or older;

(ii) The person's/family's health and safety is in jeopardy due to the lack of necessary residential support and supervision;

(A) Priority is given to eligible persons/families currently without necessary residential supports;

(B) Other eligible persons will be considered based on their risk of losing residential supports due to unstable or deteriorating circumstances.

(f) The cost of the person's DDD funded community support services is seventy-five percent or more of the average RHC rate. Costs are based on a minimum household size of three persons.

(5) The division shall not make an emergency or temporary admission of a person to a residential habilitation center for thirty-one days or more without the written approval of the division director or the director's designee.

(a) Children twelve years of age and younger shall not be admitted to an RHC.

(b) Admission of an adolescent to an RHC can only occur if:

(i) DDD determines that foster placement services cannot meet the emergency needs of the child/family; and

(ii) A voluntary placement plan is in place with DDD with the goal of community placement or family reunification; and

(iii) Progress towards placement planning is reported to the division director at least every ninety days.

(6) If RHC capacity is not being used for permanent residents, the division will make these vacancies available for respite care or any other services the department determines are needed.

(7) The division shall authorize county-funded services only when the:

(a) Service is included in a department contract; and

(b) Person is at least twenty-one years of age and graduated from school during their twenty-first year; or

(c) Person is twenty-two years of age or older; or

(d) Person is two years of age or younger and eligible for early intervention services.

((6)) (8) The department shall require a person to participate in defraying the cost of services provided when mandated by state or federal regulation or statute.

WSR 98-13-042
EMERGENCY RULES
SECRETARY OF STATE

[Filed June 9, 1998, 2:45 p.m., effective June 11, 1998]

Date of Adoption: June 9, 1998.

Purpose: To implement HB 1248, chapter 38, Laws of 1998. Establishing rules to accept and file facsimile transmissions of documents to be filed pursuant to Title 23, 23B, 24 or 25 RCW or chapter 18.100 RCW, effective date June 11, 1998.

Citation of Existing Rules Affected by this Order: Amending WAC 434-110-060.

Statutory Authority for Adoption: HB 1248, chapter 38, Laws of 1998, RCW 43.07.120.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: To permit the filing public to take advantage of the new law permitting filing by facsimile transmission and to implement HB 1248, chapter 38, Laws of 1998.

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 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: June 11, 1998.

June 9, 1998

Tracy Guerin

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 94-19-004, filed 9/8/94, effective 10/9/94)

WAC 434-110-060 In-person or expedited ((counter)) service—Special fees. (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 5:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 4:30 p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
- (b) Name reservation review and filing;
- (c) Document certification;
- (d) Document copying or status certificates;
- (e) Status change filings; and
- (f) Trademark filings.

(2) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing corporation or trademark file. In addition, a regulatory fee for each transaction may apply.

(3) All documents submitted for filing via facsimile transmission are treated as expedited processing requests. Documents transmitted via facsimile will receive expedited forty-eight hour processing when the documents are received between 8:00 a.m. and 5:00 p.m. each business day. The fee for facsimile filings is twenty dollars for single or multiple transactions within each new or existing corporation or trademark file. In addition, a regulatory fee for each transaction may apply.

((3)) (4) There is no expedited fee for the following transactions, unless they are submitted via facsimile transmission as set forth under subsection 3 of this section:

- (a) Registered agent or address change;
- (b) Initial reports;
- (c) License renewal and required annual report;
- (d) Amended annual reports;
- (e) Reinstatements;

(f) In-person inspection or review of corporation files or other public documents located in the corporations division office;

(g) Documents left at the counter for processing with mail-in documents received the same day; or

(h) A search for nonactive corporations less than twenty years old or trademark files less than six years old.

A request for search of nonactive corporation files more than twenty years old or trademark files more than six years old should be made directly to the archives division of the office of the secretary of state.

((4)) (5)(a) If staff cannot complete the expedited service request before the end of the same day, or the second consecutive business day for facsimile filings, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

((5)) (6) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the Secretary in writing to request a waiver of emergency or penalty fees.

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 98-13-055

EMERGENCY RULES

PERSONNEL RESOURCES BOARD

[Filed June 11, 1998, 3:19 p.m.]

Date of Adoption: June 11, 1998.

Purpose: Employees who, during their probationary period, go on leave without pay, shall have their probationary period extended by the number of calendar days they are on leave without pay. This modification will also extend the probationary period when a probationary employee uses shared leave.

Citation of Existing Rules Affected by this Order: Amending WAC 356-30-260.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The emergency adoption is necessary because of a current situation where shared leave is needed for a probationary employee, but the probationary period needs to be protected.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

June 11, 1998

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 91-20-029 (Order 383), filed 9/23/91, effective 11/1/91)

WAC 356-30-260 Probationary period—Provisions—Status of employee. (1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months as determined by the personnel board. The personnel board shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The personnel board shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

or

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

or

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any employee whose work performance fails to meet the required standards.

(4) Employees who, during their probationary period, go on leave without pay or shared leave shall have their probationary period extended by the number of calendar days they are on leave without pay or shared leave, including any intervening nonworking days.

(5) Employees shall have their probationary period extended by the number of calendar days in excess of 30 in which the employee is not at work including any intervening nonwork days if:

(a) Work is missed due to sick leave, vacation leave, military training leave, (~~shared leave~~) or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections or veterans affairs due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (5)(a) and (b) of this section which when added together exceeds 30 calendar days.

(6) Work missed during the probationary period due to holidays shall be counted as part of the required probationary period.

(7) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a probationary period, the probationary period shall continue for the lower class.

(8) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

(9) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

WSR 98-13-056

EMERGENCY RULES

PERSONNEL RESOURCES BOARD

[Filed June 11, 1998, 3:20 p.m.]

Date of Adoption: June 11, 1998.

Purpose: These rules implement the voluntary employees benefit association (VEBA) authorized by the 1998 legislature in HB 2371.

Citation of Existing Rules Affected by this Order: New WAC 356-18-075 and 251-22-127.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The emergency adoption is needed to line the rules up with legislation passed in 1998. Many community colleges have employees who are eligible to retire and would like to take advantage of this benefit.

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 2, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 11, 1998

Dennis Karras

Secretary

NEW SECTION

WAC 356-18-075 Medical expense plans. (1) The employing agency may provide to eligible employees a medical expense plan that provides for reimbursement of medical expenses. Instead of cash out of sick leave at retirement as provided in WAC 356-18-050, the agency's head or designee may deposit equivalent funds in a medical expense plan for eligible employees. The medical expense plan must meet the requirements of the Internal Revenue Code.

(2) Medical expense plans shall be implemented only after consultation with affected groups of employees.

(a) Medical expense plans for eligible employees in any of the groups listed in (4) of this section who are covered by a collective bargaining agreement shall be implemented only by written agreement with the bargaining unit's exclusive representative.

(b) A separate medical expense plan may be provided for unrepresented employees.

(3) As a condition of participation, the medical expense plan provided shall require that each covered eligible employee sign an agreement with the employer. The agreement shall include the following provisions.

(a) A provision to hold the employer harmless should the United States government find that the employer or the employee is indebted to the United States as a result of:

(i) the employee not paying income taxes due on the equivalent funds placed into the plan, or

(ii) the employer not withholding or deducting a tax, assessment, or other payment on funds placed into the plan as required by federal law.

EMERGENCY

(b) A provision to require each covered eligible employee to forfeit remuneration for accrued sick leave at retirement if the employee is covered by a medical expense plan and the employee refuses to sign the required agreement.

(4) Each medical expense plan offered by an agency shall apply to all eligible employees in any one of the following groups:

(a) Employees in an agency;

(b) Employees in a major organizational subdivision of an agency;

(c) Employees at a major operating location of an agency;

(d) Classified employees in a bargaining unit established by the Washington personnel resources board; or

(e) Another group of employees defined by an agency head that is not designed to provide an individual-employee choice regarding participation in a medical expense plan.

(5) The following definitions are used for the medical expense plan.

(a) "Eligible employees" means all employees in a designated group in (4) of this section.

(b) "Covered eligible employee" means an eligible employee who is in a group for which the employing agency has established a medical expense plan.

(6) An established medical expense plan shall be applicable to all retirements of covered eligible employees within a calendar year. Such a medical expense plan may be discontinued in any future year, but once discontinued it may not be reinstated for the same group of eligible employees within the same calendar year as it was discontinued.

NEW SECTION

WAC 251-22-127 Medical expense plans. (1) The employing institution of higher education may provide to eligible employees a medical expense plan that provides for reimbursement of medical expenses. Instead of cash out of sick leave at retirement as provided in WAC 251-22-124, the higher education institution's head or designee may deposit equivalent funds in a medical expense plan for eligible employees. The medical expense plan must meet the requirements of the Internal Revenue Code.

(2) Medical expense plans shall be implemented only after consultation with affected groups of employees.

(a) Medical expense plans for eligible employees in any of the groups listed in (4) of this section who are covered by a collective bargaining agreement shall be implemented only by written agreement with the bargaining unit's exclusive representative.

(b) A separate medical expense plan may be provided for unrepresented employees.

(3) As a condition of participation, the medical expense plan provided shall require that each covered eligible employee sign an agreement with the employer. The agreement shall include the following provisions.

(a) A provision to hold the employer harmless should the United States government find that the employer or the employee is indebted to the United States as a result of:

(i) the employee not paying income taxes due on the equivalent funds placed into the plan, or

(ii) the employer not withholding or deducting a tax, assessment, or other payment on funds placed into the plan as required by federal law.

(b) A provision to require each covered eligible employee to forfeit remuneration for accrued sick leave at retirement if the employee is covered by a medical expense plan and the employee refuses to sign the required agreement.

(4) Each medical expense plan offered by a higher education institution shall apply to all eligible employees in any one of the following groups:

(a) Employees in a higher education institution;

(b) Employees in a major organizational subdivision of a higher education institution;

(c) Employees at a major operating location of a higher education institution;

(d) Classified employees in a bargaining unit established by the Washington personnel resources board; or

(e) Another group of employees defined by an institution head that is not designed to provide an individual-employee choice regarding participation in a medical expense plan.

(5) The following definitions are used for the medical expense plan.

(a) "Eligible employees" means employees in a designated group in (4) of this section.

(b) "Covered eligible employee" means an eligible employee who is in a group for which the employing higher education institution has established a medical expense plan.

(6) An established medical expense plan shall be applicable to all retirements of covered eligible employees within a calendar year. Such a medical expense plan may be discontinued in any future year, but once discontinued it may not be reinstated for the same group of eligible employees within the same calendar year as it was discontinued.

WSR 98-13-083

EMERGENCY RULES

DEPARTMENT OF ECOLOGY

[Order 98-14—Filed June 16, 1998, 11:14 a.m.]

Date of Adoption: June 16, 1998.

Purpose: To coadopt modifications to the forest practices rules to provide more protection for federally listed threatened and endangered salmonids within the upper and lower Columbia and Snake River systems. This rule classifies forest practices in mapped areas as Class IV-Special, requiring additional environmental review. Includes revisions of Type 2 and 3 streams that were mistyped and had been included in previous emergency rules.

Citation of Existing Rules Affected by this Order: Amending chapter 173-202 WAC.

Statutory Authority for Adoption: RCW 90.48.420 and 76.09.040.

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: This rule will provide additional protection through environmental review of salmonid species listed as threatened or endangered by the National Marine Fisheries Service. This action will help to preclude forestry activities that might negatively impact listed fish. For the stream typing part, data have shown that many streams were mistyped and this emergency rule would correct those errors and provide protection commensurate with resource values and based on current information.

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: Immediately.

June 16, 1998
Tom Fitzsimmons
Director

AMENDATORY SECTION (Amending Order 97-46, filed 3/30/98, effective 4/30/98)

WAC 173-202-020 Certain WAC sections adopted by reference. The following sections of the Washington Administrative Code existing on (~~March 13~~) May 28, 1998, are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

WAC 222-08-035—Continuing review of forest practices regulations.

WAC 222-10-020—*SEPA policies for certain forest practices within 200 feet of a Type 1 Water.

WAC 222-10-040—Class IV-Special threatened and endangered species SEPA policies.

WAC 222-10-043—*Salmonids.

WAC 222-12-010—Authority.

WAC 222-12-040—Alternate plans.

WAC 222-12-045—Adaptive management.

WAC 222-12-046—Cumulative effect.

WAC 222-12-070—Enforcement policy.

WAC 222-12-090—Forest practices board manual.

WAC 222-16-010—General definitions.

WAC 222-16-030—Water typing system.

WAC 222-16-035—Wetland typing system.

WAC 222-16-050 (1)(a), (1)(e), (1)(h), (1)(i), (1)(j), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(n), (3)(o), (3)(p), (4)(c), (4)(d), (4)(e), (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(h), (5)(n), (5)(o)—Classes of forest practices.

WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.

WAC 222-16-080 (1)(k)—*Salmonids-harvesting, road construction, aerial applications of pesticides, or site preparation, within the areas on the salmonid listed map in WAC 222-16-088, within 100 feet of a type 1, 2, or 3 water.

WAC 222-16-088—*Salmonid listed areas.

WAC 222-22-010—Policy.

WAC 222-22-020—Watershed administrative units.

WAC 222-22-030—Qualification of watershed resource analysts, specialists, and field managers.

WAC 222-22-040—Watershed prioritization.

WAC 222-22-050—Level 1 watershed resource assessment.

WAC 222-22-060—Level 2 watershed resource assessment.

WAC 222-22-070—Prescription recommendation.

WAC 222-22-080—Approval of watershed analysis.

WAC 222-22-090—Use and review of watershed analysis.

WAC 222-22-100—Application review prior to watershed analysis.

WAC 222-24-010—Policy.

WAC 222-24-020 (2), (3), (4), (6)—Road location.

WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.

WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road construction.

WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—Landing location and construction.

WAC 222-24-040 (1), (2), (3), (4)—Water crossing structures.

WAC 222-24-050—Road maintenance.

WAC 222-24-060 (1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.

WAC 222-30-010—Policy—Timber harvesting.

WAC 222-30-020 (2), (3), (4), (5), (7)(a), (7)(e), (7)(f), (8)(c)—Harvest unit planning and design.

WAC 222-30-025—Green-up: Even-aged harvest size and timing.

WAC 222-30-030—Stream bank integrity.

WAC 222-30-040—Shade requirements to maintain stream temperature.

WAC 222-30-050 (1), (2), (3)—Felling and bucking.

WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.

WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—Tractor and wheeled skidding systems.

WAC 222-30-080 (1), (2)—Landing cleanup.

WAC 222-30-100 (1)(a), (1)(c), (4), (5)—Slash disposal.

WAC 222-34-040—Site preparation and rehabilitation.

WAC 222-38-010—Policy—Forest chemicals.

WAC 222-38-020—Handling, storage, and application of pesticides.

WAC 222-38-030—Handling, storage, and application of fertilizers.

WAC 222-38-040—Handling, storage, and application of other forest chemicals.



WSR 98-13-001
PROCLAMATION
OFFICE OF THE GOVERNOR
[May 29, 1998]

STATE OF EMERGENCY

WHEREAS, heavy rains and floods occurred on May 26 and 27, 1998, threatening citizens and property of Washington State;

WHEREAS, the heavy rains and floods are causing extensive damage to homes, businesses, public utilities, public facilities, and infrastructure in Ferry and Stevens Counties;

WHEREAS, the Washington State Military Department has activated the State Emergency Operations Center, implemented response procedures, and is coordinating resources to support local officials in alleviating the immediate social and economic impacts to people, property, and infrastructure, and is assessing the magnitude of the event;

NOW, THEREFORE, I, Gary Locke, Governor of the state of Washington, as a result of the aforementioned situation and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that a State of Emergency exists in Ferry and Stevens Counties and direct the implementation of the supporting plans and procedures of the Washington State Comprehensive Emergency Management Plan. State agencies and departments are directed to utilize state resources and to do everything possible to assist affected political subdivisions in an effort to respond to and recover from the event. I also hereby order into active service the state of Washington National Guard, or such part thereof as may be necessary in the opinion of the Adjutant General to perform such duties as directed by competent authority. Additionally, the Washington State Military Department, Emergency Management Division is instructed to coordinate all event-related assistance to the affected areas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 29th day of May, A.D., nineteen hundred and ninety-eight.

Gary Locke

Governor of Washington

BY THE GOVERNOR

Michelle Burkheimer

Deputy Secretary of State

WSR 98-13-002
NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD

[Memorandum—June 2, 1998]

COMMUNITY ECONOMIC REVITALIZATION BOARD MEETING
CHANGE OF LOCATION

Date affected: July 16, 1998, 9:00 a.m.

NEW LOCATION: Host International large auditorium, Sea-Tac Airport, Washington

WSR 98-13-009
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 98-01]

EXTENDING THE LAND USE STUDY COMMISSION

WHEREAS, the Land Use Study Commission was established in 1995 to conduct studies relating to the effectiveness and implementation of Washington's land use and environmental laws and, pursuant to its enabling statute is due to expire on June 30, 1998.

WHEREAS, members of the Commission have given hundreds of hours of their time to benefit the citizens of the state.

WHEREAS, the Commission has completed the majority of the assignments given to it by the Legislature and the Governor and its recommendations have become law in each of the last two legislative sessions, resulting in significant improvements to the Washington's land use and environmental laws, and resolving many of the recurrent areas of dispute about the Growth Management Act.

WHEREAS, the Commission has made considerable progress in developing a consolidated land use code and valuable work would be lost if the Commission terminates before this task is completed.

WHEREAS, the complexity of developing a consolidated land use code, a delay in establishing the Commission, and the additional duties given to it over the last two years have prevented the Commission from completing this final task before June 30, 1998.

WHEREAS, a consolidated land use code will have several important benefits for Washington State, including:

1. Protection and enhancement of important state environmental values;
2. More effective and efficient use of public and private resources in the land use planning and project review, leading to greater certainty and streamlining of the development process without adverse environmental consequences;
3. Improved cooperation between the state, local, federal, and tribal governments on land use and environmental issues;
4. Enhanced public participation and confidence in the state's land use and environmental regulatory system;
5. Assisting in the overall state response to challenges posed by potential listings of salmon stocks under the federal Endangered Species Act.

MISC.

WHEREAS, with an additional six months, the Commission will be able to conclude its work and present its recommendations to the Legislature and the Governor.

NOW THEREFORE, I, Gary Locke, Governor of the State of Washington, by virtue of the power vested in me, hereby order and direct the following actions:

- The Land Use Study Commission is continued until December 31, 1998. The Department of Community, Trade, and Economic Development shall provide necessary administrative and financial assistance to support the Commission and its staff. The Department may seek financial and other assistance from other state agencies as needed. Members of the Commission are authorized to receive reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060 for attending meetings of the Commission.
- The Commission shall complete its recommendations on a proposal for the integration and consolidation of the state's land use and environmental laws into a single, manageable act or body of law. In fulfilling its responsibilities, the commission shall evaluate the effectiveness of the Growth Management Act, the State Environmental Policy Act, the Shoreline Management Act, and other state land use, planning, environmental, and permitting statutes in achieving their stated goals. In developing the consolidated land use code, the Commission shall consider the provisions of RCW 90.61.040(3).
- The Commission shall submit a final report to the Governor and the Legislature stating its findings, conclusions, and recommendations for a consolidated land use code not later than December 31, 1998.
- This executive order shall take effect July 1, 1998 and shall expire on December 31, 1998.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 3rd day of June A.D., Nineteen hundred and ninety-eight.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 98-13-010

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF HEALTH

(Board of Hearing and Speech)

[Memorandum—March 26, 1998]

The Board of Hearing and Speech at the March 23, 1998, board meeting amended the following 1998 board meeting dates as follows:

May 20, 1998 has been changed to May 5, 1998 in Spokane, Washington.

June 19, 1998 has been cancelled.

July 17, 1998 has been cancelled.

August 21, 1998 is tentatively scheduled.

September 18, 1998 in Yakima and November 20, 1998, in Olympia remain as previously scheduled.

If you have questions, please call (360) 586-8577.

WSR 98-13-011 RULES COORDINATOR GAMBLING COMMISSION

[Filed June 4, 1998, 4:12 p.m.]

Please be advised that Soojin Kim and David Shaw no longer work for the Washington State Gambling Commission. Please update any lists or file information to reflect that Susan Arland, Public Information Officer, phone 438-7654 ext. 374, has taken over the responsibilities of filing rule changes.

Susan Arland Public Information Officer

WSR 98-13-014 NOTICE OF PUBLIC MEETINGS ARTS COMMISSION

[Memorandum—June 5, 1998]

1998

Washington State Arts Commission

Meeting Schedule

DATE	STARTING TIME	LOCATION
February 19, 1998 February 20, 1998	1:00 p.m. 9:00 a.m.	Washington State Arts Commission 234 East 8th Ave. Olympia, WA
May 28, 1998 May 29, 1998	1:00 p.m. 9:00 a.m.	City of Spokane 303 West Spokane Falls Boulevard Spokane, WA
August 14, 1998	9:00 a.m.	Seattle Children's Theatre 2nd Avenue North and Thomas Street Studio C Seattle, Washington
August 27, 1998 August 28, 1998	1:00 p.m. 9:00 a.m.	City of Leavenworth 700 Highway 2 Leavenworth, WA

MISC.

November 19, 1998	1:00 p.m.	City of Gig Harbor
November 20, 1998	9:00 a.m.	3105 Judson Gig Harbor, WA

WSR 98-13-019
RULES OF COURT
STATE SUPREME COURT
[June 4, 1998]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO GR 15) NO. 25700-A-623

The Court Management Council having recommended the adoption of the proposed amendment to GR 15, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 4th day of June, 1998.

Durham, C.J.

Dolliver, J.

Guy, J.

Talmadge, J.

Sanders, J.

Johnson, J.

Alexander, J.

REVISED AMENDMENT
GR 15. DESTRUCTION AND SEALING OF COURT RECORDS

(a) Purpose and Scope of the Rule. This rule sets forth a uniform procedure for the destruction and sealing of court files, cases, records, or specified documents or material in a court file or record at all court levels. This rule shall apply to court files, cases, records, documents, or materials in any form or format, including but not limited to hard copy, microfilm, microfiche, and automated information system format. The clerk shall maintain all documents and materials filed with the court, and shall make available for public examination all files, cases, records, documents, or materials which have not been ordered destroyed or sealed.

(b) Definition and Construction of Terms.

(1) *Seal.* To seal means to protect from examination by the public or nonauthorized court personnel. Sealing of a

hard copy, microfilm, or microfiche is accomplished by enclosing with a fastening which must be broken before access can be obtained. Sealing of an automated information system file or record is accomplished by restricting access to authorized court personnel only. The existence of a sealed file, unless protected by statute, is available for viewing by the public on court indices, but is limited to the case number, names of the parties, the notation "case sealed", the case type in civil cases and the cause of action or charge in criminal cases. The contents of sealed documents or records within a case are not available for viewing by the public. Sealed files, documents or records may be examined by the public only after the files, documents, or records have been ordered unsealed pursuant to section (d) of this rule. A motion or order to delete, purge, remove, excise, or erase shall be treated as a motion or order to seal.

(2) *Destroy.* To destroy means to obliterate a court file, case, document or material in such a way as to make it permanently irretrievable. A motion or order to expunge shall be treated as a motion or order to destroy.

(3) *Strike.* A motion or order to strike is not a motion or order to seal or destroy.

(c) Grounds and Procedure for Requesting the Sealing or Destruction of Court Records.

(1) *Criminal Cases or Juvenile Proceedings.*

(A) Destruction of Files or Records. On motion of any interested person in a criminal case or juvenile proceeding, or on the court's own motion, and after a hearing, the court may order the files and records in the proceeding, or any part thereof, to be destroyed if the court finds that such action is expressly permitted by statute. Reasonable notice of the hearing shall be given to: (1) the prosecuting authority of the city or county; (2) the affected adult or juvenile defendant; (3) the victim, if ascertainable; and (4) the person or agency having probationary, custodial, community placement, or community supervision over the affected adult or juvenile defendant. This subsection (c)(1)(A) shall not preclude the routine destruction of documents pursuant to applicable retention schedules.

(B) Sealing of Files and Records. Subject to the provisions of RCW 4.24 and CR 26(j), on motion of any interested person in a criminal case or juvenile proceeding, or on the court's own motion, and after a hearing, the court may order the files and records in the proceeding, or any part thereof, to be sealed if the court finds that such action is expressly permitted by statute or that there are compelling circumstances requiring such action. Reasonable notice of the hearing shall be given by the moving party to: (1) the prosecuting authority of the city or county; (2) the affected adult or juvenile defendant; (3) the victim, if ascertainable; and (4) the person or agency having probationary, custodial, community placement, or community supervision over the affected adult or juvenile defendant.

(2) *Civil Cases.*

(A) Destruction of Files or Records. After entry of final judgment, no civil case file or any part thereof may be destroyed, except after files have been microfilmed as provided in RCW 36.23.065. Before entry of final judgment, civil case files or parts thereof may be destroyed only if the destruction is expressly permitted by statute. This subsection

MISC.

(c)(2)(A) shall not preclude the routine destruction of documents pursuant to applicable retention schedules.

(B) **Sealing of Files or Records.** On motion of any party to a civil proceeding, or on the court's own motion, and after reasonable notice to the nonmoving party and a hearing, the court may order the sealing of any files and records in the proceeding (i) to further an order entered under CR 12(f) or a protective order entered under CR 26(c); or (ii) under compelling circumstances where justice so requires.

(d) Grounds and Procedure for Requesting the Unsealing of Sealed Records.

(1) **Criminal Cases.** After the entry of an order to seal all or part of a court file in a criminal proceeding, the records sealed shall be ordered unsealed only upon proof of compelling circumstances, unless otherwise provided by statute, and only upon motion and written notice to the persons entitled to notice under subsection (c)(1) of this rule.

(2) **Civil Cases.** After the entry of an order to seal all or part of a court file in a civil proceeding, the records shall be ordered unsealed only upon stipulation of all parties or upon motion and written notice to all parties and proof of compelling circumstances, or pursuant to RCW 4.24 or CR 26(j).

(3) **Juvenile Proceedings.** After the entry of an order to seal all or part of a court file in a juvenile proceeding, inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the record, except as otherwise provided in RCW 13.50.010 (8) and (24). Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order, pursuant to RCW 13.50.050(15).

(e) Clerk's Duties.

(1) **Destruction of Entire File.** Upon receipt of a court order to destroy the entire file under the primary control of the clerk, the clerk shall:

(A) Destroy all references to the file from any applicable automated information systems; and

(B) Destroy all documents in the file, in whatever media they may be stored, except for the order to destroy.

(2) **Sealing of Entire File.** Upon receipt of a court order to seal the entire file under the primary control of the clerk, the clerk shall:

(A) Mark Seal the automated file "~~Sealed~~".

(B) Mark Seal the file "~~Sealed~~" and secure it and all subsequently filed documents from public access except for the order to seal.

(3) **Destruction of Specified Documents.** Upon receipt of a court order to destroy specified documents or materials within a file under the primary control of the clerk, the clerk shall:

(A) On the automated docket destroy any docket code information except any document or sub-document number previously assigned to the document destroyed and enter "Ordered Destroyed" for the docket entry;

(B) Destroy the appropriate documents or material in whatever media they may be stored, substituting, when applicable, a printed or other reference to the order to destroy, including the date, location, and document number of the order to destroy; and

(C) File the order to destroy.

(4) **Sealing of Specified Documents.** Upon receipt of a court order to seal specified documents or material within a file under the primary control of the clerk, the clerk shall:

(A) On the automated docket, preserve the docket code, document title, document or subdocument number and date of the original documents or material;

(B) Remove the documents or material from the file, seal them, and return them to the file under seal or store separately, substituting a filler sheet for the removed sealed document. In the event the document ordered sealed exists in a microfilm, microfiche or other storage medium, the clerk shall limit access to the alternate storage medium so as to prevent unauthorized viewing of the sealed document; and

(C) File the order to seal.

(D) If the file is made available for examination, the clerk shall prevent access to the sealed records before the rest of the file is made available.

(f) **Microfilming of Sealed Records.** Sealed records may be microfilmed as provided in RCW 36.23.065 and such microfilm shall be maintained in accordance with this rule.

(g) **Trial Exhibits.** Notwithstanding any other provision of this rule, trial exhibits may be destroyed or returned to the parties if all parties so stipulate in writing and the court so orders.

(h) **Use of Sealed Records on Appeal.** A file, or any portion of it, sealed in the trial court shall be made available to the appellate court in the event of an appeal. Cases sealed in the trial court shall be sealed from public access in the appellate court subject to further order of the appellate court.

(i) **Effect on Other Statutes.** Nothing in this rule is intended to restrict or to expand the authority of clerks under existing statutes, nor is anything in this rule intended to restrict or expand the authority of any public auditor in the exercise of duties conferred by statute.

[Adopted effective September 22, 1989; amended effective September 1, 1995; amended effective June 4, 1997.]

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

Reviser's note: The brackets and enclosed material 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 98-13-020

RULES OF COURT

STATE SUPREME COURT

[June 4, 1998]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO RPC 7.5(a);) NO. 25700-A-624
RAP 2.2, RAP 2.3, RAP 2.4, RAP 3.2, RAP)
3.3, RAP 4.3, RAP 5.1, RAP 5.2, RAP)
5.3(c) AND (j), RAP 5.4, RAP 5.5, RAP 7.2,)
RAP 9.2, RAP 9.5, RAP 9.6, RAP 9.7, RAP)
9.8, RAP 9.10, RAP 10.1, RAP 10.2, RAP)
10.3, RAP 10.4, RAP 10.5, RAP 11.3, RAP)

MISC.

12.4, RAP 12.5, RAP 12.7, RAP 13.4, RAP)
13.7, RAP 14.2, RAP 14.3(a), RAP 14.6,)
RAP 16.9, RAP 16.10, RAP 16.11, RAP)
17.4, RAP 17.5, RAP 18.3, RAP 18.6, RAP)
18.9, RAP 18.23; RALJ 8.1, RALJ 9.1,)
RALJ 9.3, RALJ 10.2 AND NEW RALJ)
10.3

The Washington State Bar Association having recom-
mended the adoption of the proposed amendments to RPC
7.5(a); RAP 2.2, RAP 2.3, RAP 2.4, RAP 3.2, RAP 3.3, RAP
4.3, RAP 5.1, RAP 5.2, RAP 5.3 (c) and (j), RAP 5.4, RAP
5.5, RAP 7.2, RAP 9.2, RAP 9.5, RAP 9.6, RAP 9.7, RAP
9.8, RAP 9.10, RAP 10.1, RAP 10.2, RAP 10.3, RAP 10.4,
RAP 10.5, RAP 11.3, RAP 12.4, RAP 12.5, RAP 12.7, RAP
13.4, RAP 13.7, RAP 14.2, RAP 14.3(a), RAP 14.6, RAP
16.9, RAP 16.10, RAP 16.11, RAP 17.4, RAP 17.5, RAP
18.3, RAP 18.6, RAP 18.9, RAP 18.23; RALJ 8.1, RALJ 9.1,
RALJ 9.3, RALJ 10.2 and New RALJ 10.3, and the Court
having considered the amendments and comments submitted
thereto, and having determined that the proposed amend-
ments will aid in the prompt and orderly administration of
justice;

Now, therefore, it is hereby
ORDERED:

- (a) That the amendments as attached hereto are adopted.
(b) That the amendments will be published in the Wash-
ington Reports and will become effective September 1, 1998.

DATED at Olympia, Washington this 4th day of June,
1998.

Durham, C.J.
Dolliver, J.
Guy, J.
Talmadge, J. Sanders, J.
Johnson, J. Alexander, J.

Reviser's note: The material contained in this filing exceeded the
page-count limitations of WAC 1-21-040 for appearance in this issue of the
Register. It will appear in the 98-14 issue of the Register.

WSR 98-13-021
RULES OF COURT
STATE SUPREME COURT
[June 4, 1998]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO CRLJ 73(b);) NO. 25700-A-625
CrRLJ 6.13(d) AND IRLJ 2.6 (b)(1))

The District and Municipal Court Judges' Association
having recommended the adoption of the proposed amend-
ments to CRLJ 73(b); CrRLJ 6.13(d) and IRLJ 2.6 (b)(1), and
the Court having considered the amendments, and having

determined that the proposed amendments will aid in the
prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendments as attached hereto are adopted.
(b) That the amendments will be published in the Wash-
ington Reports and will become effective September 1, 1998.

DATED at Olympia, Washington this 4th day of June,
1998.

Durham, C.J.
Dolliver, J.
Guy, J.
Talmadge, J. Sanders, J.
Johnson, J. Alexander, J.

PROPOSED AMENDMENT TO CIVIL RULES FOR
COURTS OF LIMITED JURISDICTION

CRLJ 73(b)

(b) Filing Notice of Appeal Jurisdiction — Service.

(1) When an appeal is permitted by law from a court of
limited jurisdiction to a superior court such appeal shall be
taken by A party appealing a judgment or decision subject to
this rule must filing in the court of limited jurisdiction a
notice of appeal within 30 days after the judgment is rendered
or decision made. Filing the notice of appeal is the only juris-
dictional requirement for an appeal.

(2) The statutory filing fee for superior court must be
paid to the clerk of the limited jurisdiction court at the time
the notice of appeal is filed, unless the party is excused from
paying a filing fee by statute or by the constitution.

(3) The clerk of the court of limited jurisdiction shall
immediately upon filing of a notice of appeal and payment of
the filing fee, if required, file a copy of the notice with the
superior court.

(4) A party filing a notice of appeal shall also, within the
same 30 days, serve a copy of the notice of appeal on all other
parties or their lawyers and file an acknowledgment or affida-
vit of service in the court of limited jurisdiction.

PROPOSED AMENDMENT TO CRIMINAL RULES FOR
COURTS OF LIMITED JURISDICTION

CrRLJ 6.13(d)

(d) Speed Measuring Device: Design and Construc-
tion Certification.

(1) Admission of Certificate. In the absence of proof of a
request to produce an electronic speed measuring device
(SMD) expert made served on the prosecuting authority and
filed with the clerk of the court at least 7 30 days prior to trial
or such lesser time as the court deems proper, a certificate
substantially in the following form is admissible in lieu of an
expert witness in any court proceeding in which the design

WSR 98-13-022
RULES OF COURT
STATE SUPREME COURT
[June 4, 1998]

and construction of an electronic speed measuring device (SMD) is an issue:

CERTIFICATION CONCERNING DESIGN AND CONSTRUCTION OF ELECTRONIC SPEED MEASURING DEVICES

I, _____, do certify under penalty of perjury as follows:

I am employed with as a _____. I have been employed in such a capacity for years and hold the rank of _____. Part of my duties include supervising the purchase, maintenance, and repair of all electronic speed measuring devices (SMDs) used by my agency.

This agency currently uses the following SMDs: (List all SMDs used and their manufacturers.)

I have the following qualifications with respect to the above stated SMDs:

(List all degrees held and any special schooling regarding the SMDs listed above.)

Our agency maintains manuals for all of the above stated SMDs. I am personally familiar with those manuals and how each of the SMDs are designed and operated. All initial testing of the SMDs was performed under my direction. The units were evaluated to meet or exceed existing performance standards. Our agency maintains a testing and certification program. This program requires:

(State the program in detail.)

Based upon my education, training, and experience and my knowledge of the SMDs listed above, it is my opinion that each of these pieces of equipment is so designed and constructed as to accurately employ the Doppler effect in such a manner that it will give accurate measurements of the speed of motor vehicles when properly calibrated and operated by a trained operator.

Signature

Dated: _____

PROPOSED AMENDMENTS TO INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION

IRLJ 2.6(b)

(b) Mitigation Hearings.

(1) Upon receipt of a response submitted pursuant to rule 2.4 (b)(3) the court shall schedule a hearing to determine whether there were mitigating circumstances surrounding the commission of the infraction. The hearing shall be scheduled for not less than 14 days from the date the written notice of hearing is sent by the court, nor more than 90 120 days from the date of the notice of infraction or the date a default judgment is set aside, unless otherwise agreed by the defendant in writing.

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

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO APR 8(e)) NO. 25700-A-626

The Washington State Bar Association having recommended the adoption of the proposed amendment to APR 8(e), and the Court having considered the amendment and comments submitted thereto, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That the amendment will be published in the Washington Reports and will become effective September 1, 1998.

DATED at Olympia, Washington this 4th day of June, 1998.

Durham, C.J.

Dolliver, J.

Guy, J.

Talmadge, J.

Johnson, J.

Sanders, J.

Alexander, J.

PROPOSED AMENDMENTS TO ADMISSION TO PRACTICE RULES

APR 8(e)

SPECIAL ADMISSIONS

- (a) [No change.]
(b) [No change.]
(c) [No change.]
(d) [No change.]
(e) Exception for Emeritus Membership.

A lawyer admitted to the practice of law in a state or territory of the United States or the District of Columbia including Washington State may apply to the Board of Governors for a limited license to practice law as an emeritus member in this state when the lawyer is otherwise fully retired from the practice of law. An emeritus member shall provide legal services for a qualified legal services provider as defined in part (2) below. The lawyer shall apply by (i) filing an application in the form and manner that may be prescribed by the Board of Governors; (ii) presenting satisfactory proof of admission by examination to the practice of law and current good standing in any state or territory of the United States or the District of Columbia, provided that if a disciplinary sanction has been imposed upon the lawyer within 15 years immediately preceding the filing of the application for emeritus status, the

MISC.

Board of Governors shall have the discretion to accept or reject the application; (iii) presenting satisfactory proof of active legal experience as defined in APR 3(b) for at least 5 of the 10 years immediately preceding the filing of the application for lawyers admitted in Washington and for at least 10 of the 15 years immediately preceding the filing of the application for lawyers only admitted to practice in jurisdictions other than Washington; (iv) filing certification from a qualified legal services provider as defined in part (2) below that the applicant's practice of law will comply with the terms of this rule; (iv) paying such fee as may be set by the Board of Governors with approval of the Supreme Court; (v) complying with training requirements as may be prescribed by the Board of Governors; and (vi) furnishing whatever additional information or proof that may be required in the course of investigating the applicant.

(1) Upon approval of the application by the Board of Governors, the lawyer shall take the Oath of Attorney, pay the current years annual membership fee in the amount required of inactive members, and the Board of Governors shall transmit its recommendation to the Supreme Court which may enter an order admitting the lawyer to the limited practice of law under this section. Emeritus status shall be for one year subject to annual renewal as provided by the Board of Governors.

(2) The practice of a lawyer admitted under this section shall be limited to providing legal service for no fee through a qualified legal services provider; or serving as an unpaid governing or advisory board member or trustee of or providing legal counsel or service for no fee to a qualified legal services provider. A qualified legal services provider is a not-for-profit legal services organization whose primary purpose is to provide legal services to low income clients. The prohibition against compensation for emeritus members shall not prevent a qualified legal services provider from reimbursing an emeritus member for actual expenses incurred while rendering legal services under this rule. A qualified legal services provider shall be entitled to receive all court awarded attorney's fees for any representation rendered by the emeritus member.

(3) A lawyer admitted under this section shall pay to the Washington State Bar Association an annual license fee in the amount required of inactive members.

(4) The practice of a lawyer admitted under this section shall be subject to the Rules of Professional Conduct, the Rules for Lawyer Discipline, and to all other laws and rules governing lawyers admitted to the bar of this state. Jurisdiction shall continue whether or not the lawyer retains the limited license and irrespective of the residence of the lawyer.

(5) Emeritus members shall be exempt from compliance with rule 11 concerning Continuing Legal Education. However, prior to engaging in practice as an emeritus member, the lawyer must complete a training course or courses as approved by the Board of Governors.

(6) An emeritus member shall promptly report to the Washington State Bar Association a change in membership status in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law or the commencement of any formal disciplinary

proceeding in any jurisdiction where the lawyer has been admitted to the practice of law.

(7) The limited license granted under this section shall be automatically terminated when the lawyer's practice fails to comply with part (2) above, the lawyer fails to comply with the terms of this rule, or on suspension or disbarment in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law. If the lawyer whose limited license is terminated was previously admitted to practice in Washington, the lawyer shall be transferred to inactive membership status upon termination.

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.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 98-13-023
RULES OF COURT
STATE SUPREME COURT
[June 4, 1998]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO RAP 12.3) NO. 25700-A-627

The Board for Judicial Administration having recommended the adoption of the proposed amendment to RAP 12.3, and the Court having considered the amendment, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby
ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That the amendment will be published in the Washington Reports and will become effective September 1, 1998.

DATED at Olympia, Washington this 4th day of June, 1998.

Durham, C.J.

Dolliver, J.

Guy, J.

Talmadge, J.

Johnson, J.

Sanders, J.

Alexander, J.

RAP 12.3

FORMS OF DECISION

(a) Decision Terminating Review. A "decision terminating review" is an opinion, order, or judgment of the appellate court or a ruling of a commissioner or clerk of an appellate court if it:

(1) Is filed after review is accepted by the appellate court filing the decision; and

(2) Terminates review unconditionally; and

(3) Is (i) a decision on the merits, or (ii) a decision by the judges dismissing review, or (iii) a ruling by a commissioner or clerk dismissing review, or (iv) an order refusing to modify a ruling by the commissioner or clerk dismissing review.

(b) **Interlocutory Decision.** An "interlocutory decision" is any opinion, order, or judgment of the appellate court or ruling of a commissioner or clerk which is not a decision terminating review.

(c) **Ruling.** A "ruling" is any determination of a commissioner or clerk of an appellate court. The ruling may be a decision terminating review or an interlocutory decision.

(d) **Publication of Opinions—Court of Appeals.** A majority of the panel issuing an opinion will determine if it will be printed in the Washington Appellate Reports pursuant to RCW 2.06.040 or be filed for public record only. In determining whether the opinion will be published in the Washington Appellate Reports, the panel will use at least the following criteria: (1) Whether the decision determines an unsettled or new question of law or constitutional principle; (2) Whether the decision modifies, clarifies or reverses an established principle of law; (3) Whether a decision is of general public interest or importance or (4) Whether a case is in conflict with a prior opinion of the Court of Appeals.

(e) **Motion To Publish.** A motion requesting the Court of Appeals to publish an opinion that had been ordered filed for public record should be filed within 20 days after the opinion has been filed. If the motion is made by a person not a party, the motion must include a statement of (1) applicant's interest and the person or group applicant represents and (2) applicant's reasons for believing that publication is necessary.

**WSR 98-13-024
RULES OF COURT
STATE SUPREME COURT**

[June 4, 1998]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO APR 8 (f)) NO. 25700-A-628

The Washington State Bar Association having recommended the adoption of the proposed amendment to APR 8(f), and the Court having considered the amendment and comments submitted thereto, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That the amendment will be published in the Washington Reports and will become effective September 1, 1998.

DATED at Olympia, Washington this 4th day of June, 1998.

Durham, C.J.

Dolliver, J.

Guy, J.

Alexander, J.

Johnson

Sanders, J.

APR 8(f)

SPECIAL ADMISSIONS

- (a) [No change].
- (b) [No change].
- (c) [No change].
- (d) [No change].
- (e) [No change].
- (f) **Exception for House Counsel**

A lawyer admitted to the practice of law in a state or territory of the United States or the District of Columbia may apply to the Board of Governors for a limited license to practice law as in-house counsel in this state when the lawyer is employed in Washington as a lawyer exclusively for a profit or not for profit corporation, including its subsidiaries and affiliates, association, or other business entity, that is not a government entity, and whose lawful business consists of activities other than the practice of law or the provision of legal services. The lawyer shall apply by (i) filing an application in the form and manner that may be prescribed by the Board of Governors, (ii) presenting satisfactory proof of (I) admission by examination to the practice of law and current good standing in a state or territory of the United States or the District of Columbia and (II) good moral character, (iii) filing an affidavit from an officer, director, or general counsel of the applicant's employer in this state attesting to the fact the applicant is employed as a lawyer for the employer, including its subsidiaries and affiliates, and the nature of the employment conforms to The requirements of this rule, (iv) paying such fee as may be set by the Board of Governors with approval of the Supreme Court, and (v) furnishing whatever additional information or proof that may be required in the course of investigating the applicant. The lawyer must also pass the Professional Responsibility portion of the Washington bar examination.

(1) Upon approval of the application by the Board of Governors, the lawyer shall take the Oath of Attorney, pay the current year's annual membership fee and the Board of Governors shall transmit its recommendation to the Supreme Court which may enter an order admitting the lawyer to the limited practice of law under this section.

(2) The Practice of a lawyer admitted under this section shall be limited to practice exclusively for the employer, including its subsidiaries and affiliates, furnishing the affidavit required by this rule and shall not include (i) appearing before a court or tribunal as a person admitted to practice law in this state, except in association with an active member of

MISC.

the Washington State Bar Association who shall be the lawyer of record therein, responsible for the conduct thereof and Present at all proceedings, (ii) offering legal services or advice to the public or (iii) holding oneself out to be so engaged or authorized

(3) All business cards and employer letterhead used by a lawyer admitted under this section shall state clearly that the lawyer is admitted to practice in Washington as in-house counsel.

(4) A lawyer admitted under this section shall pay to the Washington State Bar Association an annual license fee in the amount required of active members admitted to practice for 3 or more years.

(5) The practice of a lawyer admitted under this section shall be subject to the Rules of Professional Conduct, the Rules for Lawyer Discipline and to all other laws and rules governing lawyers admitted to the active Practice of law in this state. Jurisdiction shall continue whether or not the lawyer retains the limited license and irrespective of the residence of the lawyer.

(6) The lawyer shall promptly report to the Washington State Bar Association a change in employment, a change in membership status in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law or the commencement of a formal disciplinary proceeding in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law.

(7) The limited license granted under this section shall be automatically terminated when employment by the employer furnishing the affidavit required by this rule is terminated, the lawyer has been admitted to the practice of law Pursuant to any other provision of the APR, the lawyer fails to comply with the terms of this rule, the lawyer fails to maintain current good standing in at least one state or territory of the United States or District of Columbia where the lawyer has been admitted to the practice of law upon passing the bar exam, or on suspension or disbarment for discipline in a state or territory of the United States or District of Columbia where the lawyer has been admitted to the Practice of law. If a lawyer's employment is terminated but the lawyer, within three months from the last day of employment, is employed by an employer filing the affidavit required by e(iii), the license shall be reinstated.

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 98-13-025
PROCLAMATION
OFFICE OF THE GOVERNOR
[June 5, 1998]

AMENDMENT TO STATE OF EMERGENCY

The heavy rains, floods, and slides that began May 26-29, 1998 are continuing to threaten citizens and property in Washington State.

WHEREAS, the heavy rains, floods, and slides have caused extensive damage to public utilities, public facilities, and infrastructure in Pend Oreille County.

NOW THEREFORE, I, GARY LOCKE, Governor of the state of Washington, as a result of the aforementioned situation and under RCW 38.08, 38.52, and 43.06, do hereby amend the Proclamation of May 29, 1998, and further proclaim that a State of Emergency exists in Pend Oreille County.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 5th day of June, A.D., Nineteen hundred and ninety-eight.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

Assistant Secretary of State

WSR 98-13-031
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Memorandum—June 8, 1998]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, June 18, 1998, 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 98-13-032
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE

[Memorandum—June 4, 1998]

EDMONDS COMMUNITY COLLEGE
BOARD OF TRUSTEES
NOTICE OF SPECIAL MEETINGS
TO MEDIA/OTHER

- | | |
|----------------|---|
| June 8, 1998* | Retiree Reception: EdCC, Triton Union Building, Room 202, 20200 68th Avenue West, Lynnwood, WA, 2:00 p.m. |
| June 12, 1998* | Commencement 1998: EdCC, Seaview Gymnasium, 19906 68th Avenue West, Lynnwood, WA, 7:00 p.m. |
| June 22, 1998 | Edmonds Community College Board of Trustees Special Meeting: EdCC, Snohomish Hall, Room 304A, 20226 [68th] Avenue West, Lynnwood, WA, 4:00 p.m. |

Please note: The regular meeting of the EdCC board of trustees for June 18, 1998, has been canceled.

* This event is being scheduled as a special meeting, which is a study session where no action will be taken.

WSR 98-13-040
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD

[Memorandum—June 5, 1998]

MEETING NOTICE FOR JUNE 1998
TRANSPORTATION IMPROVEMENT BOARD
LONG BEACH, WASHINGTON

Sidewalk Committee, 1:00 p.m. - 2:30 p.m., Thursday, June 25, 1998, at the Super 8 Motel, 500 Ocean Beach Boulevard, Long Beach.

Increase Committee, 2:30 p.m. - 4:00 p.m., Thursday, June 25, 1998, at the Super 8 Motel.

Work Session, 4:00 p.m. - 6:00 p.m., Thursday, June 25, 1998, at the Super 8 Motel.

Board Meeting, 9:00 a.m., Friday, June 26, 1998, at the Super 8 Motel.

SPECIAL NEEDS: For special accommodations or to request an auxiliary aid, please contact the TIB office at (360) 705-7300 by June 15, 1998.

The next scheduled meeting is July 24, 1998, in Yakima. A notice with further detail of the July meeting will be mailed July 2, 1998.

WSR 98-13-047
OFFICE OF THE GOVERNOR

[Filed June 11, 1998, 11:15 a.m.]

Notification of Petition to Repeal or Amend a Rule
(Notification to the Code Reviser)

Under RCW 34.05.330(3), a petitioner, within thirty days of denial by an agency, may appeal the denial to the governor. The governor is then required to immediately file notice of the appeal with the Code Reviser for publication in the Washington Register.

Name of Petitioner: Pacific Northwest Aerial Applicators Alliance (PNWAAA).

Date Petition Received: May 27, 1998.

Agency: Department of Agriculture.

WAC Rule/Subject Matter: WAC 16-229-010 through 16-229-480; and WAC 16-201-010 through 16-201-290.

Basis of Appeal: 1. The small business economic impact assessment prepared by the Department of Agriculture does not comply with RCW 19.85.040 and the department failed to comply with RCW 19.85.030 in its preparation.

2. There is insufficient evidence in the rule-making file for a rational decision-maker to conclude that commercial applicators could be a source of ground water contamination by fertilizers or pesticides.

3. The rules could conflict with rules that may be adopted by the United States Environmental Protection Agency.

4. The rules impose unreasonable costs on commercial aerial applicators.

Required Response Date: July 11, 1998.

WSR 98-13-048
PROCLAMATION
OFFICE OF THE GOVERNOR

[June 10, 1998]

AMENDMENT TO STATE OF EMERGENCY

The heavy rains and flooding that began May 26-29, 1998 are continuing to threaten citizens and property in Washington State.

WHEREAS, the heavy rains and floods have caused extensive damage to public utilities, public facilities, and infrastructure in Okanagon County.

NOW THEREFORE, I, GARY LOCKE, Governor of the state of Washington, as a result of the aforementioned situation and under RCW 38.08, 38.52, and 43.06, do hereby amend the Proclamation of May 29, 1998, and further proclaim that a State of Emergency exists in Okanagon County.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 10th day of June, A.D., Nineteen hundred and ninety-eight.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

Assistant Secretary of State

Reviser's note: The spelling errors in the above material occurred in the copy filed by the Office of the Governor and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 98-13-049
PROCLAMATION
OFFICE OF THE GOVERNOR

[June 11, 1998]

STATE OF EMERGENCY

WHEREAS, the rejuvenation of an ancient deep-seated landslide caused by three consecutive years of much higher than normal annual precipitation has resulted in a landslide of approximately 40 acres, threatening citizens and property of Washington State;

WHEREAS, the landslide has caused extensive damage to homes, public utilities, public facilities, and infrastructure in the City of Kelso, Cowlitz County;

WHEREAS, the Washington State Military Department, Emergency Management Division, is coordinating resources to support local officials in alleviating the immediate social and economic impacts to people, property, and infrastructure, and is assessing the magnitude of the event;

NOW, THEREFORE, I, Gary Locke, Governor of the state of Washington, as a result of the aforementioned situation and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that

MISC.

a State of Emergency exists in Cowlitz County and direct the implementation of the supporting plans and procedures of the *Washington State Comprehensive Emergency Management Plan*. State agencies and departments are directed to utilize state resources and to do everything possible to assist affected political subdivisions in an effort to respond to and recover from the event. Additionally, the Washington State Military Department, Emergency Management Division is instructed to coordinate all event-related assistance to the affected areas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 11th day of June, A.d., Nineteen Hundred and Ninety-Eight.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

Assistant Secretary of State

WSR 98-13-061

NOTICE OF PUBLIC MEETINGS

CONVENTION AND TRADE CENTER

[Memorandum—June 10, 1998]

NOTICE OF PUBLIC MEETINGS

The Washington State Convention and Trade Center (WSCTC) Design Committee will meet on Wednesday, June 17, 1998, at 10:30 a.m. in Room 212 of the Convention Center, 800 Convention Place, Seattle.

A regular meeting of WSCTC board of directors will also be held on Wednesday, June 17, 1998, at 1:30 p.m. in Room 211 of the Convention Center.

If you have any questions regarding these meetings, please call 694-5000.

WSR 98-13-062

NOTICE OF PUBLIC MEETINGS

COMMISSION ON JUDICIAL CONDUCT

[Memorandum—June 10, 1998]

This memo will revise the Commission on Judicial Conduct meeting schedule submitted to your office by memo dated December 4, 1997.

The Commission on Judicial Conduct will hold their August business meeting at **11:00 a.m. on August 7, 1998**, at the Silverdale Hotel, 3073 North West Bucklin Hill Road, Silverdale, WA 98383. The meeting was previously scheduled for the same date and time at the Sea-Tac Holiday Inn.

WSR 98-13-063

NOTICE OF PUBLIC MEETINGS INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

[Memorandum—June 8, 1998]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday and Friday, July 16-17, 1998, in Silverdale. A tour of IAC-assisted sites is scheduled for Thursday morning followed by a workshop at 2:00 p.m. in the Bay/East Meeting Room at the Silverdale Hotel on the Bay. The meeting will continue on Friday, July 17th, in the Marine and Canal rooms at the hotel beginning at 8:30 a.m.

Thursday's workshop will focus on strategic planning and directions on topics such as streamlining grants applications, the IAC's role in salmon recovery and possible long-term program changes. Regular agenda items for Friday's meeting include 1999 legislative proposals, 1999-01 biennial operating and capital budget proposals including the 1999-01 WWRP budget request, program updates, discussion of NOVA program study issues, administrative approvals for manuals, project cost increases, and appointment of members to the Community Outdoor Athletic Fields Advisory Council.

If you plan to participate or have materials for committee review, please submit information to IAC no later than June 25, 1998. 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 June 25, at (360) 902-3000, or TDD (360) 902-1996.

WSR 98-13-066

EXECUTIVE ORDER OFFICE OF THE GOVERNOR

[EO 98-02]

TRAINING AND PROTOCOLS FOR STATE INVESTIGATORS

WHEREAS, Chapter 378, 1997 Laws, created a committee, known as the Investigative Study Group, to study and develop training programs, policies, and procedures for state employees who conduct investigations.

WHEREAS, the Investigative Study Group completed its study and submitted its report and recommendations to the Governor and the Legislature in December of 1997. The Study Group found that training for many state investigators is inadequate, and there are no recognized standards for training. The Study Group also found that many state agencies lack written policies and procedures for the conduct of investigations.

WHEREAS, the Investigative Study Group established the following basic principles regarding state investigators, which shall be guiding principles for the implementation of this executive order:

- Those who conduct investigations on behalf of state agencies should receive appropriate training.
- Any civil enforcement action taken by the state should be based on proper investigation of pertinent facts.
- Investigators should know the scope of their authority and stay within it.
- Investigators should know what matters lie beyond their authority, and when, how, and to whom those matters should be referred.
- Investigators should know and respect the rights of those they investigate and those from whom they gather information.
- As public servants, state agency investigators have a duty to maintain the highest standards of ethics and respect for the public.
- Investigators should know how to competently gather and preserve evidence of wrongdoing.
- Sound management practices are essential to effective and fair investigations.
- Civil investigators perform an essential service to the people of the state. They comprise a profession that ought to be recognized and appreciated.

For purposes of this executive order, "investigator" means any state employee whose duties include interviewing witnesses, obtaining documents, or otherwise gathering information that may be used in enforcement or disciplinary actions or proceedings where there is a potential for substantial civil or criminal remedies to be imposed on a person or business. The following employees are not considered investigators for purposes of this executive order: (a) Commissioned law enforcement officers whose duties consist exclusively of investigating criminal matters; (b) employees who conduct checklist inspections or review application materials for eligibility purposes; and (c) employees whose investigative duties involve only obtaining documents or data under the supervision of an investigator.

NOW THEREFORE, I, Gary Locke, Governor of the State of Washington, in keeping with these principles, by virtue of the power vested in me, hereby order and direct the following actions:

1. The Department of Personnel shall establish and implement an investigator training program. In carrying out the program, the department shall:
 - A. Develop and provide training programs for state agency investigators and other employees with investigative responsibilities. The department shall also develop standards for training programs that are provided by other agencies for their own investigators. The department shall use curricula recommendations of the Investigative Study Group as a source for the development of these programs and standards.
 - B. Create a committee to be known as the State Investigator Resource Team, to be appointed by, and serve at the pleasure of, the Director of Personnel. The Resource Team shall consist of members from state

agencies, including higher education institutions, and shall include, but not be limited to, representatives of the Washington State Patrol and the Office of the Attorney General. Members must have expertise in the conduct of investigations. The Resource Team shall advise the department and state agencies on investigator training programs and provide peer review and comment on external investigative policies and procedures developed by agencies. The Resource Team may advise agencies on their internal investigative policies and procedures.

- C. Establish a process for the review and certification of agency investigator training programs, consistent with standards and curricula developed by the department.
 - D. Establish a process to certify that an employee has attended and successfully completed training for investigators that meets standards established by the department. Such training may include training offered under this executive order or other equivalent training that an investigator has received. The State Investigator Resource Team shall advise the department in the development of the certification process.
 - E. Designate a position within the department to coordinate the investigator training program.
 - F. Ensure that each state agency is provided with information necessary to carry out the requirements of this executive order, including the report and recommendations of the Investigative Study Group.
2. Each state agency shall:
- A. Review its existing internal and external investigation policies and procedures in light of model policies and procedures developed by the Investigative Study Group. Agencies shall establish policies and procedures, if none exist, or modify them so that they are generally consistent with the model policies and procedures. Agencies shall submit their investigation policies and procedures to the Department of Personnel for review and comment by the investigative training coordinator and the State Investigator Resource Team. Timelines for submitting policies and procedures shall be established by the Director of Personnel.
 - B. Review its existing grant of authority to conduct investigations and other related statutes to determine if they provide sufficient guidance and clarity to its investigators. If the agency's statutes relating to investigations require modification, the agency should seek corrective legislation.
 - C. Make every effort to ensure that its employees who conduct investigations promptly receive training commensurate with their level of investigative responsibilities. If appropriate and feasible, agencies should coordinate their training with other governmental agencies and jurisdictions with similar

responsibilities to fully utilize existing training resources.

- 3. In implementing this executive order, the Department of Personnel and state agencies shall, to the extent possible, use existing employees and resources.
- 4. In implementing this executive order, the Department of Personnel and state agencies shall consult with employee organizations, as appropriate.
- 5. This executive order shall take effect immediately. The Director of Personnel shall make every effort to ensure that requirements of this executive order are implemented as soon as is feasible, with due consideration to the timelines contained in the Investigative Study Report.
- 6. This executive order does not create any rights, substantive or procedural, which are enforceable by any party in litigation with any state agency. This executive order is not intended to modify the provisions of any collective bargaining agreement.
- 7. No later than June 30, 2002, the Director of Personnel shall submit a report to the Governor that contains an assessment of the effectiveness of the investigator training program. The report shall also include a recommendation for the continuation, modification, or rescission of this executive order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 11th day of June A.D., Nineteen hundred ninety-eight.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Gary McIntosh

Deputy Secretary of State

WSR 98-13-067
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE
 [Memorandum—June 11, 1998]

This is to advise you of the following change made to Walla Walla Community College's board of trustees meeting schedule:

Changed from: June 17, 1998, 10:30 a.m., WWCC Main Campus

Changed to: June 17, 1998, 12:45 p.m., WWCC Main Campus

If you have any questions on this information, please call (509) 527-4274.

WSR 98-13-076
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION

[Memorandum—June 15, 1998]

WASHINGTON STATE BOARD OF EDUCATION
 SCHEDULE OF REGULAR MEETING DATES AND LOCATIONS
 1998 CALENDAR YEAR

January 28-29, 1998	ESD 113 (Olympia) 601 McPhee Road S.W. Olympia, WA 98502 (360) 586-2933
March 18-19, 1998	Fife School District 5802 20th Street East Tacoma, WA (253) 922-6697
May 13-15, 1998	Lake Quinault Lodge Olympic National Forest South Shore Road Quinault, WA 98575 (360) 288-2900
June 17, 1998	Puget Sound Educational Service District 400 S.W. 152nd Burien, WA 98166-2209 (206) 439-3636
August 19-21, 1998	Center for Education Leadership Vancouver School District 2921 Falk Road Vancouver, WA 98661 (360) 737-7382
October 28-29, 1998	Oak Harbor School District 200 S.E. Midway Boulevard Oak Harbor, WA 98277-5015 (360) 679-5831

WSR 98-13-113
DEPARTMENT OF ECOLOGY
 [Filed June 17, 1998, 10:52 a.m.]

PUBLIC PARTICIPATION GRANTS GUIDELINES

About the Guidelines: The guidelines were written for citizen groups and not-for-profit public interest organizations. It applies to projects that will start in 1999.

These guidelines will help groups plan and refine their projects. Officially, these guidelines define the Public Participation Grants program called for in the Model Toxics Control Act (RCW 70.105D.070(5)). They also explain the criteria ecology uses to evaluate and award Public Participation Grants, and cover how to complete the application.

Goals of 1999 PPPG Program: Ecology wants to improve the quality of the public's participation influence in

decisions on how contaminated sites should be cleaned up and restored. Ecology also wants to increase the environmental benefits of education projects, in particular, projects that get people to generate less waste (source reduction) and projects that show people ways to prevent pollution.

How to Obtain the PPG Guidelines: To receive a copy of the guidelines call 1-800-RECYCLE. You will need to provide your name, address and group affiliation, if you have/there is one. After reading the guidelines, you may have questions about your project, so call 1-800-RECYCLE and a grants staff person will respond to your request.

Grant Application Period: All grant applications must be received by close of business on Monday, August 31, 1998. This means your application must be received in the Solid Waste and Financial Assistance Office in the Department of Ecology headquarters building by 5:00 p.m. The headquarters building is located at 300 Desmond Drive in Lacey. Postmarks or faxes do not qualify. Call (360) 407-6095 for directions to the building.

WSR 98-13-114
DEPARTMENT OF ECOLOGY
 [Filed June 17, 1998, 10:53 a.m.]

**APPLICATION PERIOD FOR
 PUBLIC PARTICIPATION GRANTS**

Application Period Opens July 1: Starting Wednesday, July 1, the Washington Department of Ecology will accept applications for public participation grants. The application period closes Monday, August 31, 1998. Groups of three or more unrelated individuals and not-for-profit, public interest organizations can qualify for a ranging from \$1,000 to \$60,000. Businesses and government departments, including universities, do not qualify.

Grants Pay for Public Involvement: The grants make it easier for people to be involved in two types of waste issues:

- The cleanup of hazardous waste sites.
- Carrying out the state's solid and hazardous waste management priorities. The highest priority is reducing the amount of waste created.

Ecology's highest interest is in projects that prevent pollution and produce measurable benefits to the environment.

Not-for-profit groups are encouraged to apply. These include environmental coalitions, community clubs, neighborhood associations, environmental education groups, business and trade associations, labor or worker health/safety organizations, groups who live in the path of potential contamination from hazardous waste cleanup sites, ethnic or minority societies, outdoor enthusiasts, professional or fraternal societies, and service clubs.

Your Application Must be at Ecology by 5 p.m. Monday, August 31, 1998: Applications must be received by close of business Monday, August 31, 1998. This means your application must be received in the Solid Waste and Financial Assistance Office in the Department of Ecology headquarters building by 5 p.m. The headquarters building is

at 300 Desmond Drive in Lacey. Postmarks do not qualify. Call (360) 407-6095 for directions to the building.

How to Apply: If your group has a project that might be eligible, request an application packet from Department of Ecology, Solid Waste and Financial Assistance, P. O. Box 47600, Olympia, WA 98504-7600, phone 1-800-RECYCLE.

WSR 98-13-130
ATTORNEY GENERAL'S OFFICE
 [Filed June 17, 1998, 11:59 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 July 8, 1998. 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 July 8, 1998, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 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).

**98-06-04 Request by Brian Sonntag
 Washington State Auditor**

- 1) Does a public utility district have statutory authority to provide the following products and services to its customers within its boundaries: (a) internet access, (b) home security, (c) appliance repairs, (d) telephone service, (e) cell phone and paging services, (f) electrical fireplaces?
- 2) Does a public utility district have statutory authority to provide those products and services which are expressly granted to them to other public and private utilities within and without the state?
- 3) Does a public utility district have statutory authority to provide those services implied from their express grant of power such as power

MISC.

scheduling and vegetation management to other public and private utilities within and without the state?

- 4) Does a public utility district have statutory authority to provide services such as plat construction for developers which includes the installation of telephone and cable television infrastructure within or without the state?
- 5) If a public utility district installs fiber optic cable for a statutorily authorized purpose, can any excess capacity be sold or leased to a private entity for other commercial uses?



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 98-09

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-XA	98-09-083	16-168-020	AMD	98-03-089	16-325-005	NEW	98-09-071
1-21-020	AMD-XA	98-09-083	16-168-030	AMD	98-03-089	16-325-010	NEW-XA	98-05-106
4-25	AMD-C	98-05-020	16-168-040	AMD	98-03-089	16-325-010	NEW	98-09-071
4-25	AMD-C	98-07-025	16-168-050	AMD	98-03-089	16-325-015	NEW-XA	98-05-106
4-25-410	AMD	98-12-020	16-168-060	AMD	98-03-089	16-325-015	NEW	98-09-071
4-25-520	AMD	98-12-021	16-168-070	AMD	98-03-089	16-325-020	NEW-XA	98-05-106
4-25-540	AMD	98-12-022	16-168-075	NEW	98-03-089	16-325-020	NEW	98-09-071
4-25-550	AMD	98-12-023	16-168-080	AMD	98-03-089	16-325-025	NEW-XA	98-05-106
4-25-551	AMD	98-12-047	16-168-090	AMD	98-03-089	16-325-025	NEW	98-09-071
4-25-620	AMD	98-12-048	16-168-100	AMD	98-03-089	16-333-200	REP-XR	98-07-108
4-25-622	AMD	98-12-049	16-200	PREP	98-12-039	16-333-200	REP	98-13-033
4-25-625	REP	98-12-056	16-200-695	AMD-E	98-12-018	16-333-205	REP-XR	98-07-108
4-25-626	NEW	98-12-055	16-200-695	AMD-E	98-13-013	16-333-205	REP	98-13-033
4-25-627	REP	98-12-056	16-200-705	AMD-E	98-12-018	16-333-210	REP-XR	98-07-108
4-25-631	AMD	98-12-050	16-200-705	AMD-E	98-13-013	16-333-210	REP	98-13-033
4-25-810	AMD	98-12-051	16-200-7061	NEW-E	98-12-018	16-333-215	REP-XR	98-07-108
16-08-151	AMD-XA	98-04-082	16-200-7061	NEW-E	98-13-013	16-333-215	REP	98-13-033
16-08-151	AMD	98-09-085	16-200-7062	NEW-E	98-12-018	16-333-220	REP-XR	98-07-108
16-32-009	PREP	98-05-104	16-200-7062	NEW-E	98-13-013	16-333-220	REP	98-13-033
16-32-009	REP-P	98-09-104	16-200-7063	NEW-E	98-12-018	16-333-225	REP-XR	98-07-108
16-32-011	AMD-P	98-09-104	16-200-7063	NEW-E	98-13-013	16-333-225	REP	98-13-033
16-46-010	REP-XR	98-08-080	16-200-7064	NEW-E	98-12-018	16-333-230	REP-XR	98-07-108
16-46-010	REP	98-13-118	16-200-7064	NEW-E	98-13-013	16-333-230	REP	98-13-033
16-86	PREP	98-08-022	16-200-708	AMD-E	98-12-018	16-333-235	REP-XR	98-07-108
16-86	PREP	98-11-010	16-200-708	AMD-E	98-13-013	16-333-235	REP	98-13-033
16-89	PREP	98-08-023	16-212	PREP	98-11-024	16-333-240	REP-XR	98-07-108
16-102	PREP	98-04-075	16-212-030	AMD-P	98-07-106	16-333-240	REP	98-13-033
16-129-010	REP-XR	98-08-020	16-212-030	AMD	98-12-058	16-333-245	REP-XR	98-07-108
16-129-010	REP	98-13-029	16-212-060	AMD-P	98-07-106	16-333-245	REP	98-13-033
16-129-020	REP-XR	98-08-020	16-212-060	AMD	98-12-058	16-334-010	NEW-XA	98-07-109
16-129-020	REP	98-13-029	16-212-070	AMD-P	98-07-106	16-334-010	NEW	98-11-048
16-129-025	REP-XR	98-08-020	16-212-070	AMD	98-12-058	16-334-020	NEW-XA	98-07-109
16-129-025	REP	98-13-029	16-212-080	AMD-P	98-07-106	16-334-020	NEW	98-11-048
16-129-030	REP-XR	98-08-020	16-212-080	AMD	98-12-058	16-334-020	NEW-XA	98-07-109
16-129-030	REP	98-13-029	16-212-082	AMD-P	98-07-106	16-334-030	NEW-XA	98-07-109
16-167-010	AMD-XA	98-04-076	16-212-082	AMD	98-12-058	16-334-030	NEW	98-11-048
16-167-010	AMD	98-09-048	16-228-155	PREP	98-07-003	16-334-040	NEW-XA	98-07-109
16-167-020	AMD-XA	98-04-076	16-228-155	AMD-P	98-10-069	16-334-040	NEW	98-11-048
16-167-020	AMD	98-09-048	16-316-474	PREP	98-06-093	16-334-050	NEW-XA	98-07-109
16-167-030	AMD-XA	98-04-076	16-316-474	AMD-P	98-09-101	16-334-060	NEW-XA	98-07-109
16-167-030	AMD	98-09-048	16-316-474	AMD	98-12-032	16-334-060	NEW	98-11-048
16-167-040	AMD-XA	98-04-076	16-316-525	PREP	98-06-093	16-334-060	NEW-XA	98-07-109
16-167-040	AMD	98-09-048	16-316-525	AMD-P	98-09-101	16-334-070	NEW-XA	98-07-109
16-167-050	AMD-XA	98-04-076	16-316-525	AMD	98-12-032	16-334-070	NEW	98-11-048
16-167-050	AMD	98-09-048	16-319-041	PREP	98-06-094	16-334-080	NEW-XA	98-07-109
16-167-060	AMD-XA	98-04-076	16-319-041	AMD-P	98-09-100	16-334-080	NEW	98-11-048
16-167-060	AMD	98-09-048	16-319-041	AMD	98-12-031	16-354-002	REP-P	98-06-082
16-168-010	AMD	98-03-089	16-325-005	NEW-XA	98-05-106	16-354-002	REP	98-09-049
						16-354-005	AMD-P	98-06-082

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-354-005	AMD	98-09-049	16-532-0412	REP	98-13-122	30-18-040	PREP	98-09-082
16-354-010	AMD-P	98-06-082	16-532-0414	REP-P	98-02-073	30-22-070	PREP	98-09-082
16-354-010	AMD	98-09-049	16-532-0414	REP	98-13-122	30-22-090	PREP	98-09-082
16-354-020	AMD-P	98-06-082	16-557	PREP	98-08-099	44-01-140	REP-XR	98-07-053
16-354-020	AMD	98-09-049	16-557-010	AMD-P	98-12-017	44-01-140	REP	98-13-046
16-354-030	AMD-P	98-06-082	16-557-025	NEW-P	98-12-017	50-52	PREP	98-13-096
16-354-030	AMD	98-09-049	16-561	PREP	98-13-120	51-04	PREP	98-13-052
16-354-040	AMD-P	98-06-082	16-565	PREP	98-13-119	51-04-015	AMD	98-02-048
16-354-040	AMD	98-09-049	16-573-010	NEW	98-04-093	51-04-070	AMD	98-02-048
16-354-050	AMD-P	98-06-082	16-573-020	NEW	98-04-093	51-06-020	AMD	98-02-049
16-354-050	AMD	98-09-049	16-573-030	NEW	98-04-093	51-06-120	AMD	98-02-049
16-354-070	AMD-P	98-06-082	16-573-040	NEW	98-04-093	51-11	PREP	98-13-051
16-354-070	AMD	98-09-049	16-573-041	NEW	98-04-093	51-11-0101	AMD	98-03-003
16-354-100	AMD-P	98-06-082	16-573-050	NEW	98-04-093	51-11-0104	AMD	98-03-003
16-354-100	AMD	98-09-049	16-573-060	NEW	98-04-093	51-11-0201	AMD	98-03-003
16-400	AMD-P	98-07-032	16-573-070	NEW	98-04-093	51-11-0402	AMD	98-03-003
16-400	AMD	98-10-083	16-573-080	NEW	98-04-093	51-11-0502	AMD	98-03-003
16-400-007	AMD-P	98-07-032	16-575	PREP	98-06-096	51-11-0503	AMD	98-03-003
16-400-007	AMD	98-10-083	16-600-020	REP-XR	98-08-019	51-11-0504	AMD	98-03-003
16-400-040	AMD-P	98-07-032	16-600-020	REP	98-13-030	51-11-0505	AMD-W	98-05-064
16-400-040	AMD	98-10-083	16-657	PREP	98-07-068	51-11-0525	AMD	98-03-003
16-400-100	AMD-P	98-07-032	16-657-040	AMD-P	98-10-120	51-11-0527	AMD	98-03-003
16-400-100	AMD	98-10-083	16-657-040	AMD	98-13-074	51-11-0530	AMD	98-03-003
16-400-210	AMD-P	98-07-032	16-659	PREP	98-07-067	51-11-0541	AMD	98-03-003
16-400-210	AMD	98-10-083	16-659-001	REP-P	98-10-119	51-11-0602	AMD	98-03-003
16-402-005	NEW-P	98-13-129	16-659-001	REP	98-13-073	51-11-0606	REP	98-03-003
16-402-010	NEW-P	98-13-129	16-659-002	NEW-P	98-10-119	51-11-0607	REP	98-03-003
16-402-015	NEW-P	98-13-129	16-659-002	NEW	98-13-073	51-11-0608	REP	98-03-003
16-402-020	NEW-P	98-13-129	16-659-010	AMD-P	98-10-119	51-11-0625	AMD	98-03-003
16-470-100	AMD-P	98-08-108	16-659-010	AMD	98-13-073	51-11-0626	AMD	98-03-003
16-470-100	AMD	98-12-091	16-662	PREP	98-07-069	51-11-0627	AMD	98-03-003
16-470-120	AMD-P	98-08-108	16-662-105	AMD-P	98-10-118	51-11-0628	AMD	98-03-003
16-471	PREP	98-07-107	16-662-105	AMD	98-13-072	51-11-0629	AMD	98-03-003
16-471-010	REP-P	98-10-115	16-662-115	AMD-P	98-10-118	51-11-0630	AMD	98-03-003
16-471-010	REP-W	98-13-127	16-662-115	AMD	98-13-072	51-11-0701	AMD	98-03-003
16-471-010	REP-P	98-13-128	16-675-030	AMD-P	98-09-099	51-11-0800	AMD	98-03-003
16-471-015	REP-P	98-10-115	16-675-030	AMD	98-12-030	51-11-1002	AMD	98-03-003
16-471-015	REP-W	98-13-127	16-675-040	AMD-P	98-09-099	51-11-1003	AMD	98-03-003
16-471-015	REP-P	98-13-128	16-675-040	AMD	98-12-030	51-11-1004	AMD	98-03-003
16-471-020	REP-P	98-10-115	16-750	PREP	98-12-069	51-11-1005	AMD	98-03-003
16-471-020	REP-W	98-13-127	16-752	PREP	98-04-077	51-11-1006	AMD	98-03-003
16-471-020	REP-P	98-13-128	16-752-610	AMD-P	98-08-109	51-11-1007	AMD	98-03-003
16-471-030	REP-P	98-10-115	16-752-610	AMD	98-13-008	51-11-1008	AMD	98-03-003
16-471-030	REP-W	98-13-127	24-12-010	AMD-P	98-13-121	51-11-1009	AMD	98-03-003
16-471-030	REP-P	98-13-128	25-18-010	REP	98-05-027	51-11-1010	REP	98-03-003
16-471-040	REP-P	98-10-115	25-18-020	REP	98-05-027	51-11-1120	AMD	98-03-003
16-471-040	REP-W	98-13-127	25-18-030	REP	98-05-027	51-11-1130	AMD	98-03-003
16-471-040	REP-P	98-13-128	25-18-040	REP	98-05-027	51-11-1132	AMD	98-03-003
16-471-050	REP-P	98-10-115	25-18-050	REP	98-05-027	51-11-1133	AMD	98-03-003
16-471-050	REP-W	98-13-127	25-18-060	REP	98-05-027	51-11-1210	AMD	98-03-003
16-471-050	REP-P	98-13-128	25-18-070	REP	98-05-027	51-11-1310	AMD-W	98-05-064
16-471-060	REP-P	98-10-115	25-18-080	REP	98-05-027	51-11-1312	AMD	98-03-003
16-471-060	REP-W	98-13-127	25-18-090	REP	98-05-027	51-11-1322	AMD-W	98-05-064
16-471-060	REP-P	98-13-128	25-18-100	REP	98-05-027	51-11-1323	AMD	98-03-003
16-471-070	REP-P	98-10-115	25-18-110	REP	98-05-027	51-11-1331	AMD	98-03-003
16-471-070	REP-W	98-13-127	25-18-120	REP	98-05-027	51-11-1334	AMD	98-03-003
16-471-070	REP-P	98-13-128	25-18-130	REP	98-05-027	51-11-1411	AMD	98-03-003
16-471-080	REP-P	98-10-115	25-36-010	REP	98-05-027	51-11-1412	AMD	98-03-003
16-471-080	REP-W	98-13-127	25-36-020	REP	98-05-027	51-11-1414	AMD	98-03-003
16-471-080	REP-P	98-13-128	25-36-030	REP	98-05-027	51-11-1421	AMD	98-03-003
16-532-010	AMD-P	98-02-073	25-36-040	REP	98-05-027	51-11-1422	AMD	98-03-003
16-532-010	AMD	98-13-122	25-36-050	REP	98-05-027	51-11-1423	AMD	98-03-003
16-532-0402	REP-P	98-02-073	25-36-060	REP	98-05-027	51-11-1433	AMD	98-03-003
16-532-0402	REP	98-13-122	25-36-070	REP	98-05-027	51-11-1452	AMD	98-03-003
16-532-0404	REP-P	98-02-073	25-36-080	REP	98-05-027	51-11-1454	AMD	98-03-003
16-532-0404	REP	98-13-122	25-36-090	REP	98-05-027	51-11-1512	AMD	98-03-003
16-532-0406	REP-P	98-02-073	25-36-100	REP	98-05-027	51-11-1530	AMD	98-03-003
16-532-0406	REP	98-13-122	25-36-110	REP	98-05-027	51-11-1701	AMD	98-03-003
16-532-0408	REP-P	98-02-073	25-36-120	REP	98-05-027	51-11-2005	AMD	98-03-003
16-532-0408	REP	98-13-122	25-36-130	REP	98-05-027	51-11-2006	AMD	98-03-003
16-532-0410	REP-P	98-02-073	30-04-020	PREP	98-09-082	51-11-2007	AMD	98-03-003
16-532-0410	REP	98-13-122	30-08-070	PREP	98-09-082	51-11-99903	AMD	98-03-003
16-532-0412	REP-P	98-02-073	30-12-150	PREP	98-09-082	51-11-99904	AMD	98-03-003

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-34-6323	REP	98-02-053	51-40-1102	NEW	98-02-054	51-44-007	NEW	98-02-053
51-34-6324	REP	98-02-053	51-40-1103	NEW	98-02-054	51-44-007	PREP	98-13-051
51-34-7800	REP	98-02-053	51-40-1104	NEW	98-02-054	51-44-008	NEW	98-02-053
51-34-7802	REP	98-02-053	51-40-1105	NEW	98-02-054	51-44-0103	NEW	98-02-053
51-34-7900	REP	98-02-053	51-40-1106	NEW	98-02-054	51-44-0200	NEW	98-02-053
51-34-7902	REP	98-02-053	51-40-1107	NEW	98-02-054	51-44-0900	NEW	98-02-053
51-34-7904	REP	98-02-053	51-40-1108	NEW	98-02-054	51-44-1003	NEW	98-02-053
51-34-8000	REP	98-02-053	51-40-1109	NEW	98-02-054	51-44-1007	NEW	98-02-053
51-34-8001	REP	98-02-053	51-40-1110	NEW	98-02-054	51-44-10210	NEW	98-02-053
51-34-8003	REP	98-02-053	51-40-1111	NEW	98-02-054	51-44-1109	NEW	98-02-053
51-34-9100	REP	98-02-053	51-40-1112	NEW	98-02-054	51-44-2500	NEW	98-02-053
51-34-9101	REP	98-02-053	51-40-1113	NEW	98-02-054	51-44-5200	NEW	98-02-053
51-34-9102	REP	98-02-053	51-40-1114	NEW	98-02-054	51-44-6100	NEW	98-02-053
51-34-9103	REP	98-02-053	51-40-1191	NEW	98-02-054	51-44-6300	NEW	98-02-053
51-34-9104	REP	98-02-053	51-40-1192	NEW	98-02-054	51-44-7404	NEW	98-02-053
51-34-9105	REP	98-02-053	51-40-1193	NEW	98-02-054	51-44-7802	NEW	98-02-053
51-34-9106	REP	98-02-053	51-40-1194	NEW	98-02-054	51-44-7900	NEW	98-02-053
51-34-9107	REP	98-02-053	51-40-1195	NEW	98-02-054	51-44-8000	NEW	98-02-053
51-34-9108	REP	98-02-053	51-40-1196	NEW	98-02-054	51-45-001	NEW	98-02-053
51-35-001	REP	98-02-053	51-40-1203	NEW	98-02-054	51-45-002	NEW	98-02-053
51-35-002	REP	98-02-053	51-40-1506	NEW-W	98-05-065	51-45-003	NEW	98-02-053
51-35-003	REP	98-02-053	51-40-1616	NEW	98-02-054	51-45-007	NEW	98-02-053
51-35-007	REP	98-02-053	51-40-1702	NEW	98-02-054	51-45-008	NEW	98-02-053
51-35-008	REP	98-02-053	51-40-1909	NEW	98-02-054	51-45-80400	NEW	98-02-053
51-35-52000	REP	98-02-053	51-40-23110	NEW	98-02-054	51-46-001	NEW	98-02-055
51-35-52400	REP	98-02-053	51-40-2406	NEW	98-02-054	51-46-002	NEW	98-02-055
51-35-52440	REP	98-02-053	51-40-2900	NEW	98-02-054	51-46-003	NEW	98-02-055
51-35-52441	REP	98-02-053	51-40-2929	NEW	98-02-054	51-46-007	NEW	98-02-055
51-35-52442	REP	98-02-053	51-40-3004	NEW	98-02-054	51-46-007	PREP	98-13-051
51-35-52500	REP	98-02-053	51-40-3102	NEW	98-02-054	51-46-008	NEW	98-02-055
51-35-52510	REP	98-02-053	51-40-31200	NEW	98-02-054	51-46-0100	NEW	98-02-055
51-35-52520	REP	98-02-053	51-40-3404	NEW	98-02-054	51-46-0101	NEW	98-02-055
51-35-52530	REP	98-02-053	51-40-93115	NEW	98-02-054	51-46-0102	NEW	98-02-055
51-35-52540	REP	98-02-053	51-40-93116	NEW	98-02-054	51-46-0103	NEW	98-02-055
51-35-52550	REP	98-02-053	51-40-93117	NEW	98-02-054	51-46-0200	NEW	98-02-055
51-35-52560	REP	98-02-053	51-40-93118	NEW	98-02-054	51-46-0205	NEW	98-02-055
51-35-52570	REP	98-02-053	51-40-93119	NEW	98-02-054	51-46-0215	NEW	98-02-055
51-35-52580	REP	98-02-053	51-40-93120	NEW	98-02-054	51-46-0218	NEW	98-02-055
51-35-52590	REP	98-02-053	51-42-001	NEW	98-02-056	51-46-0300	NEW	98-02-055
51-35-52600	REP	98-02-053	51-42-002	NEW	98-02-056	51-46-0301	NEW	98-02-055
51-40-001	NEW	98-02-054	51-42-003	NEW	98-02-056	51-46-0310	NEW	98-02-055
51-40-002	NEW	98-02-054	51-42-004	NEW	98-02-056	51-46-0311	NEW	98-02-055
51-40-003	NEW	98-02-054	51-42-005	NEW	98-02-056	51-46-0313	NEW	98-02-055
51-40-004	NEW	98-02-054	51-42-007	NEW	98-02-056	51-46-0314	NEW	98-02-055
51-40-005	NEW	98-02-054	51-42-007	PREP	98-13-051	51-46-0316	NEW	98-02-055
51-40-007	NEW	98-02-054	51-42-008	NEW	98-02-056	51-46-0392	NEW	98-02-055
51-40-007	PREP	98-13-051	51-42-0200	NEW	98-02-056	51-46-0400	NEW	98-02-055
51-40-008	NEW	98-02-054	51-42-0223	NEW	98-02-056	51-46-0402	NEW	98-02-055
51-40-009	NEW	98-02-054	51-42-0303	NEW	98-02-056	51-46-0412	NEW	98-02-055
51-40-0200	NEW	98-02-054	51-42-0504	NEW	98-02-056	51-46-0413	NEW	98-02-055
51-40-0302	NEW	98-02-054	51-42-0600	NEW	98-02-056	51-46-0500	NEW	98-02-055
51-40-0303	NEW	98-02-054	51-42-0601	NEW	98-02-056	51-46-0501	NEW	98-02-055
51-40-0304	NEW	98-02-054	51-42-0605	NEW	98-02-056	51-46-0502	NEW	98-02-055
51-40-0305	NEW	98-02-054	51-42-0901	NEW	98-02-056	51-46-0505	NEW	98-02-055
51-40-0307	NEW	98-02-054	51-42-1000	NEW	98-02-056	51-46-0507	NEW	98-02-055
51-40-0308	NEW	98-02-054	51-42-1002	NEW	98-02-056	51-46-0509	NEW	98-02-055
51-40-0310	NEW	98-02-054	51-42-1004	NEW	98-02-056	51-46-0512	NEW	98-02-055
51-40-0311	NEW	98-02-054	51-42-1005	NEW	98-02-056	51-46-0513	NEW	98-02-055
51-40-0313	NEW	98-02-054	51-42-1100	NEW	98-02-056	51-46-0514	NEW	98-02-055
51-40-0403	NEW	98-02-054	51-42-1101	NEW	98-02-056	51-46-0515	NEW	98-02-055
51-40-0405	NEW	98-02-054	51-42-1102	NEW	98-02-056	51-46-0516	NEW	98-02-055
51-40-0510	NEW	98-02-054	51-42-1103	NEW	98-02-056	51-46-0517	NEW	98-02-055
51-40-0804	NEW	98-02-054	51-42-1104	NEW	98-02-056	51-46-0518	NEW	98-02-055
51-40-0902	NEW	98-02-054	51-42-1105	NEW	98-02-056	51-46-0519	NEW	98-02-055
51-40-0904	NEW	98-02-054	51-42-1106	NEW	98-02-056	51-46-0520	NEW	98-02-055
51-40-1000	NEW	98-02-054	51-42-1107	NEW	98-02-056	51-46-0521	NEW	98-02-055
51-40-1002	NEW	98-02-054	51-42-1108	NEW	98-02-056	51-46-0522	NEW	98-02-055
51-40-1003	NEW	98-02-054	51-42-1311	NEW	98-02-056	51-46-0523	NEW	98-02-055
51-40-1004	NEW	98-02-054	51-42-1312	NEW	98-02-056	51-46-0524	NEW	98-02-055
51-40-1007	NEW	98-02-054	51-42-1401	NEW	98-02-056	51-46-0525	NEW	98-02-055
51-40-1091	NEW	98-02-054	51-44-001	NEW	98-02-053	51-46-0600	NEW	98-02-055
51-40-1100	NEW	98-02-054	51-44-002	NEW	98-02-053	51-46-0603	NEW	98-02-055
51-40-1101	NEW	98-02-054	51-44-003	NEW	98-02-053	51-46-0604	NEW	98-02-055

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-46-0608	NEW	98-02-055	131-16	AMD-C	98-08-028	131-46-060	REP-P	98-06-070
51-46-0609	NEW	98-02-055	131-16-010	AMD-P	98-06-075	131-46-065	REP-P	98-06-070
51-46-0610	NEW	98-02-055	131-16-010	AMD-E	98-09-044	131-46-070	REP-P	98-06-070
51-46-0700	NEW	98-02-055	131-16-011	AMD-P	98-06-075	131-46-075	REP-P	98-06-070
51-46-0701	NEW	98-02-055	131-16-011	AMD-E	98-09-044	131-46-080	REP-P	98-06-070
51-46-0704	NEW	98-02-055	131-16-015	REP-P	98-06-075	131-46-085	REP-P	98-06-070
51-46-0710	NEW	98-02-055	131-16-021	AMD-P	98-06-075	131-46-090	REP-P	98-06-070
51-46-0713	NEW	98-02-055	131-16-021	AMD-E	98-09-044	131-46-095	REP-P	98-06-070
51-46-0793	NEW	98-02-055	131-16-031	AMD-P	98-06-075	131-46-105	REP-P	98-06-070
51-46-0800	NEW	98-02-055	131-16-031	AMD-E	98-09-044	131-46-110	REP-P	98-06-070
51-46-0810	NEW	98-02-055	131-16-040	REP-P	98-06-075	131-46-115	REP-P	98-06-070
51-46-0814	NEW	98-02-055	131-16-045	AMD-P	98-06-075	131-46-120	REP-P	98-06-070
51-46-0815	NEW	98-02-055	131-16-045	AMD-E	98-09-044	131-46-125	REP-P	98-06-070
51-46-0900	NEW	98-02-055	131-16-050	AMD-P	98-06-075	131-47-020	AMD-P	98-10-043
51-46-0903	NEW	98-02-055	131-16-050	AMD-E	98-09-044	131-47-025	AMD-P	98-10-043
51-46-1000	NEW	98-02-055	131-16-055	AMD-P	98-06-075	131-47-045	AMD-P	98-10-043
51-46-1003	NEW	98-02-055	131-16-055	AMD-E	98-09-044	131-47-050	AMD-P	98-10-043
51-46-1012	NEW	98-02-055	131-16-056	AMD-P	98-06-075	131-47-055	AMD-P	98-10-043
51-46-1300	NEW	98-02-055	131-16-056	AMD-E	98-09-044	131-47-090	AMD-P	98-10-043
51-46-1301	NEW	98-02-055	131-16-060	REP-P	98-06-075	131-47-095	AMD-P	98-10-043
51-46-1302	NEW	98-02-055	131-16-061	AMD-E	98-09-044	131-47-110	AMD-P	98-10-043
51-46-1303	NEW	98-02-055	131-16-061	AMD-P	98-06-075	131-47-115	REP-P	98-10-043
51-46-1304	NEW	98-02-055	131-16-062	REP-P	98-06-075	131-47-120	REP-P	98-10-043
51-46-1305	NEW	98-02-055	131-16-065	REP-P	98-06-075	131-47-125	AMD-P	98-10-043
51-46-1400	NEW	98-02-055	131-16-066	REP-P	98-06-075	131-47-130	AMD-P	98-10-043
51-46-1401	NEW	98-02-055	131-16-080	AMD-P	98-10-113	131-47-135	AMD-P	98-10-043
51-46-1491	NEW	98-02-055	131-16-210	REP-P	98-10-113	131-47-140	AMD-P	98-10-043
51-46-97120	NEW	98-02-055	131-16-220	REP-P	98-10-113	131-47-145	AMD-P	98-10-043
51-46-97121	NEW	98-02-055	131-16-400	AMD-P	98-10-113	131-47-150	AMD-P	98-10-043
51-46-97122	NEW	98-02-055	131-16-450	AMD-P	98-10-046	131-48-010	AMD-P	98-10-045
51-46-97123	NEW	98-02-055	131-24	AMD-C	98-07-059	131-48-040	AMD-P	98-10-045
51-46-97124	NEW	98-02-055	131-24-010	AMD-P	98-06-073	131-48-060	AMD-P	98-10-045
51-46-97125	NEW	98-02-055	131-24-020	AMD-P	98-06-073	131-48-100	AMD-P	98-10-045
51-46-97126	NEW	98-02-055	131-24-030	AMD-P	98-06-073	131-276-010	AMD-P	98-10-111
51-46-97127	NEW	98-02-055	131-24-040	REP-P	98-06-073	131-276-020	AMD-P	98-10-111
51-46-97128	NEW	98-02-055	131-28	AMD-C	98-07-059	131-276-040	AMD-P	98-10-111
51-46-97129	NEW	98-02-055	131-28-005	NEW-P	98-06-072	131-276-060	AMD-P	98-10-111
51-47-001	NEW	98-02-055	131-28-015	AMD-P	98-10-047	131-276-070	AMD-P	98-10-111
51-47-002	NEW	98-02-055	131-28-025	AMD-P	98-06-072	131-276-990	AMD-P	98-10-111
51-47-003	NEW	98-02-055	131-28-02501	AMD-P	98-06-072	132B-120-010	AMD-P	98-05-049
51-47-007	NEW	98-02-055	131-28-02501	AMD-P	98-10-047	132B-120-010	AMD	98-09-012
51-47-008	NEW	98-02-055	131-28-026	AMD-P	98-06-072	132B-120-020	AMD-P	98-05-049
82-50-021	AMD-P	98-09-084	131-28-027	AMD-P	98-06-072	132B-120-020	AMD	98-09-012
98-70-010	PREP	98-11-039	131-28-045	AMD-P	98-06-072	132B-120-030	AMD-P	98-05-049
118-40-010	AMD	98-07-028	131-28-080	REP-P	98-06-072	132B-120-030	AMD	98-09-012
118-40-020	AMD	98-07-028	131-28-085	REP-P	98-06-072	132B-120-040	AMD-P	98-05-049
118-40-030	AMD	98-07-028	131-28-090	REP-P	98-06-072	132B-120-040	AMD	98-09-012
118-40-040	AMD	98-07-028	131-32-010	AMD-P	98-10-044	132B-120-055	NEW-P	98-05-049
118-40-050	AMD	98-07-028	131-32-020	AMD-P	98-10-044	132B-120-055	NEW	98-09-012
118-40-060	AMD	98-07-028	131-32-030	AMD-P	98-10-112	132B-120-065	NEW-P	98-05-049
118-40-070	AMD	98-07-028	131-32-035	AMD-P	98-10-112	132B-120-065	NEW	98-09-012
118-40-080	AMD	98-07-028	131-36	AMD-P	98-06-074	132B-120-075	NEW-P	98-05-049
118-40-090	REP	98-07-028	131-36	AMD-C	98-07-059	132B-120-075	NEW	98-09-012
118-40-100	REP	98-07-028	131-36-010	AMD-P	98-06-074	132B-120-080	AMD-P	98-05-049
118-40-150	AMD	98-07-028	131-36-050	AMD-P	98-06-074	132B-120-080	AMD	98-09-012
118-40-160	AMD	98-07-028	131-36-055	NEW-P	98-06-074	132B-120-085	NEW-P	98-05-049
118-40-170	AMD	98-07-028	131-36-100	AMD-P	98-06-074	132B-120-085	NEW	98-09-012
118-40-180	AMD	98-07-028	131-36-150	AMD-P	98-06-074	132B-120-120	AMD-P	98-05-049
118-40-190	REP	98-07-028	131-36-200	AMD-P	98-06-074	132B-120-120	AMD	98-09-012
118-40-300	AMD	98-07-028	131-36-250	AMD-P	98-06-074	132B-120-130	AMD-P	98-05-049
118-40-400	AMD	98-07-028	131-36-300	AMD-P	98-06-074	132B-120-130	AMD	98-09-012
131-08	AMD-C	98-07-059	131-40-010	AMD-P	98-10-114	132B-120-135	NEW-P	98-05-049
131-08-005	AMD-P	98-06-071	131-46	REP-C	98-07-059	132B-120-135	NEW	98-09-012
131-08-005	AMD-P	98-10-074	131-46-020	REP-P	98-06-070	132B-120-170	AMD-P	98-05-049
131-08-007	AMD-P	98-06-071	131-46-025	REP-P	98-06-070	132B-120-170	AMD	98-09-012
131-08-007	AMD-P	98-10-074	131-46-027	REP-P	98-06-070	132B-120-180	AMD-P	98-05-049
131-08-008	AMD-P	98-06-071	131-46-029	REP-P	98-06-070	132B-120-180	AMD	98-09-012
131-08-008	AMD-P	98-10-074	131-46-030	REP-P	98-06-070	132B-120-190	AMD-P	98-05-049
131-12	AMD-C	98-07-059	131-46-035	REP-P	98-06-070	132B-120-190	AMD	98-09-012
131-12-020	AMD-P	98-06-069	131-46-040	REP-P	98-06-070	132B-120-200	AMD-P	98-05-049
131-12-030	AMD-P	98-06-069	131-46-045	REP-P	98-06-070	132B-120-200	AMD	98-09-012
131-12-040	AMD-P	98-06-069	131-46-050	REP-P	98-06-070	132B-120-210	NEW-P	98-05-049
131-12-041	AMD-P	98-06-069	131-46-055	REP-P	98-06-070	132B-120-210	NEW	98-09-012

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132B-120-220	NEW-P	98-05-049	162-26-140	AMD	98-08-035	173-160-231	NEW	98-08-032
132B-120-220	NEW	98-09-012	162-36-001	AMD	98-08-035	173-160-235	REP	98-08-032
132E-16	PREP	98-11-098	162-36-005	AMD	98-08-035	173-160-241	NEW	98-08-032
132H-160-052	AMD	98-03-044	162-36-010	AMD	98-08-035	173-160-245	REP	98-08-032
132N-300	PREP	98-09-032	162-36-020	AMD	98-08-035	173-160-251	NEW	98-08-032
132P-33	PREP	98-07-007	162-38	AMD	98-08-035	173-160-255	REP	98-08-032
136-130-030	AMD-P	98-05-036	162-38-010	AMD	98-08-035	173-160-261	NEW	98-08-032
136-130-030	AMD-W	98-06-044	162-38-040	AMD	98-08-035	173-160-265	REP	98-08-032
136-130-030	AMD-P	98-06-045	162-38-050	AMD	98-08-035	173-160-271	NEW	98-08-032
136-130-030	AMD	98-09-070	162-38-060	AMD	98-08-035	173-160-275	REP	98-08-032
136-130-040	AMD-P	98-05-036	162-38-100	AMD	98-08-035	173-160-281	NEW	98-08-032
136-130-040	AMD-W	98-06-044	162-38-120	AMD	98-08-035	173-160-285	REP	98-08-032
136-130-040	AMD-P	98-06-045	162-38-130	NEW	98-08-035	173-160-291	NEW	98-08-032
136-130-040	AMD	98-09-070	173-03-010	AMD-XA	98-11-099	173-160-295	REP	98-08-032
136-161-070	AMD-P	98-05-036	173-03-020	AMD-XA	98-11-099	173-160-301	NEW	98-08-032
136-161-070	AMD-W	98-06-044	173-03-030	AMD-XA	98-11-099	173-160-305	REP	98-08-032
136-161-070	AMD-P	98-06-045	173-03-040	AMD-XA	98-11-099	173-160-311	NEW	98-08-032
136-161-070	AMD	98-09-070	173-03-050	AMD-XA	98-11-099	173-160-315	REP	98-08-032
136-161-080	AMD-P	98-05-036	173-03-060	AMD-XA	98-11-099	173-160-321	NEW	98-08-032
136-161-080	AMD-W	98-06-044	173-03-070	AMD-XA	98-11-099	173-160-325	REP	98-08-032
136-161-080	AMD-P	98-06-045	173-03-080	AMD-XA	98-11-099	173-160-331	NEW	98-08-032
136-161-080	AMD	98-09-070	173-03-090	AMD-XA	98-11-099	173-160-335	REP	98-08-032
136-161-090	AMD-P	98-05-036	173-03-100	AMD-XA	98-11-099	173-160-341	NEW	98-08-032
136-161-090	AMD-W	98-06-044	173-20-640	AMD	98-09-098	173-160-345	REP	98-08-032
136-161-090	AMD-P	98-06-045	173-98	PREP	98-12-044	173-160-351	NEW	98-08-032
136-161-090	AMD	98-09-070	173-152	NEW-C	98-04-019	173-160-355	REP	98-08-032
136-200-040	AMD-P	98-05-036	173-152-010	NEW-E	98-04-018	173-160-361	NEW	98-08-032
136-200-040	AMD-W	98-06-044	173-152-010	NEW	98-06-042	173-160-365	REP	98-08-032
136-200-040	AMD-P	98-06-045	173-152-020	NEW-E	98-04-018	173-160-371	NEW	98-08-032
136-200-040	AMD	98-09-070	173-152-020	NEW	98-06-042	173-160-375	REP	98-08-032
136-210-030	AMD-P	98-05-036	173-152-025	NEW-E	98-04-018	173-160-381	NEW	98-08-032
136-210-030	AMD-W	98-06-044	173-152-030	NEW	98-06-042	173-160-385	REP	98-08-032
136-210-030	AMD-P	98-06-045	173-152-040	NEW-E	98-04-018	173-160-390	NEW	98-08-032
136-210-030	AMD	98-09-070	173-152-040	NEW	98-06-042	173-160-395	REP	98-08-032
136-220-020	AMD-P	98-05-036	173-152-050	NEW-E	98-04-018	173-160-400	NEW	98-08-032
136-220-020	AMD-W	98-06-044	173-152-050	NEW	98-06-042	173-160-405	REP	98-08-032
136-220-020	AMD-P	98-06-045	173-160	AMD-C	98-04-020	173-160-406	NEW	98-08-032
136-220-020	AMD	98-09-070	173-160-010	AMD	98-08-032	173-160-410	NEW	98-08-032
136-220-030	AMD-P	98-05-036	173-160-020	AMD-W	98-08-093	173-160-415	REP	98-08-032
136-220-030	AMD-W	98-06-044	173-160-020	REP-XR	98-08-061	173-160-420	AMD	98-08-032
136-220-030	AMD-P	98-06-045	173-160-020	REP	98-13-112	173-160-425	REP	98-08-032
136-220-030	AMD	98-09-070	173-160-030	AMD	98-08-032	173-160-430	NEW	98-08-032
137-28-150	AMD	98-04-086	173-160-040	AMD	98-08-032	173-160-435	REP	98-08-032
137-28-190	AMD	98-04-086	173-160-050	AMD	98-08-032	173-160-440	NEW	98-08-032
137-100-001	AMD-P	98-02-074	173-160-055	REP	98-08-032	173-160-445	REP	98-08-032
137-100-010	AMD-P	98-02-074	173-160-061	NEW	98-08-032	173-160-450	NEW	98-08-032
137-100-020	AMD-P	98-02-074	173-160-065	REP	98-08-032	173-160-455	REP	98-08-032
137-100-030	AMD-P	98-02-074	173-160-071	NEW	98-08-032	173-160-460	NEW	98-08-032
137-100-040	NEW-P	98-02-074	173-160-075	REP	98-08-032	173-160-465	REP	98-08-032
162-22-010	AMD	98-08-035	173-160-085	REP	98-08-032	173-160-475	REP	98-08-032
162-22-020	AMD	98-08-035	173-160-095	REP	98-08-032	173-160-500	REP	98-08-032
162-22-030	AMD	98-08-035	173-160-101	NEW	98-08-032	173-160-510	REP	98-08-032
162-22-040	AMD	98-08-035	173-160-105	REP	98-08-032	173-160-520	REP	98-08-032
162-22-050	AMD	98-08-035	173-160-106	NEW	98-08-032	173-160-530	REP	98-08-032
162-22-060	AMD	98-08-035	173-160-111	NEW	98-08-032	173-160-540	REP	98-08-032
162-22-070	AMD	98-08-035	173-160-115	REP	98-08-032	173-160-550	REP	98-08-032
162-22-080	AMD	98-08-035	173-160-121	NEW	98-08-032	173-160-560	REP	98-08-032
162-22-090	AMD	98-08-035	173-160-125	REP	98-08-032	173-160-990	NEW	98-08-032
162-22-100	NEW	98-08-035	173-160-131	NEW	98-08-032	173-162	AMD-C	98-04-020
162-26	AMD	98-08-035	173-160-135	REP	98-08-032	173-162-010	AMD	98-08-031
162-26-010	AMD	98-08-035	173-160-141	NEW	98-08-032	173-162-020	AMD	98-08-031
162-26-020	AMD	98-08-035	173-160-151	NEW	98-08-032	173-162-025	NEW	98-08-031
162-26-030	AMD	98-08-035	173-160-161	NEW	98-08-032	173-162-030	AMD	98-08-031
162-26-040	AMD	98-08-035	173-160-171	NEW	98-08-032	173-162-040	AMD	98-08-031
162-26-050	AMD	98-08-035	173-160-181	NEW	98-08-032	173-162-050	AMD	98-08-031
162-26-060	AMD	98-08-035	173-160-191	NEW	98-08-032	173-162-055	NEW	98-08-031
162-26-070	AMD	98-08-035	173-160-201	NEW	98-08-032	173-162-060	AMD	98-08-031
162-26-080	AMD	98-08-035	173-160-201	NEW-E	98-10-033	173-162-070	AMD	98-08-031
162-26-090	AMD	98-08-035	173-160-205	REP	98-08-032	173-162-075	NEW	98-08-031
162-26-100	AMD	98-08-035	173-160-211	NEW	98-08-032	173-162-080	AMD	98-08-031
162-26-110	AMD	98-08-035	173-160-215	REP	98-08-032	173-162-085	NEW	98-08-031
162-26-120	AMD	98-08-035	173-160-221	NEW	98-08-032	173-162-095	NEW	98-08-031
162-26-130	AMD	98-08-035	173-160-225	REP	98-08-032	173-162-100	AMD-W	98-08-093

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-162-120	AMD-W	98-08-093	173-303-9905	AMD	98-03-018	173-806-175	AMD-P	98-12-092
173-162-127	NEW-W	98-08-093	173-308-010	NEW	98-05-101	173-806-180	AMD-P	98-12-092
173-162-130	AMD-W	98-08-093	173-308-020	NEW	98-05-101	173-806-185	AMD-P	98-12-092
173-162-140	AMD	98-08-031	173-308-030	NEW	98-05-101	173-806-190	AMD-P	98-12-092
173-162-165	NEW-W	98-08-093	173-308-040	NEW	98-05-101	180-16-002	AMD-P	98-04-088
173-162-170	REP	98-08-031	173-308-050	NEW	98-05-101	180-16-002	AMD	98-08-039
173-162-190	AMD	98-08-031	173-308-060	NEW	98-05-101	180-16-180	REP-P	98-04-088
173-162-200	AMD	98-08-031	173-308-070	NEW	98-05-101	180-16-180	REP	98-08-039
173-162-210	AMD	98-08-031	173-308-080	NEW	98-05-101	180-18-010	AMD	98-05-001
173-202-020	AMD-XA	98-03-071	173-308-090	NEW	98-05-101	180-22-150	AMD	98-05-003
173-202-020	AMD-S	98-04-021	173-308-100	NEW	98-05-101	180-25	PREP	98-06-007
173-202-020	AMD-W	98-04-069	173-308-110	NEW	98-05-101	180-26	PREP	98-06-006
173-202-020	AMD	98-07-026	173-308-120	NEW	98-05-101	180-27	PREP	98-06-005
173-202-020	AMD-E	98-07-103	173-308-130	NEW	98-05-101	180-29	PREP	98-06-004
173-202-020	AMD	98-08-058	173-308-140	NEW	98-05-101	180-30	PREP	98-06-001
173-202-020	AMD-E	98-13-083	173-308-150	NEW	98-05-101	180-31	PREP	98-06-003
173-202-020	AMD-S	98-13-115	173-308-160	NEW	98-05-101	180-32	PREP	98-06-002
173-224-030	AMD	98-03-046	173-308-170	NEW	98-05-101	180-33	PREP	98-06-008
173-224-040	AMD	98-03-046	173-308-180	NEW	98-05-101	180-33-025	AMD	98-09-052
173-224-050	AMD	98-03-046	173-308-190	NEW	98-05-101	180-34-010	AMD	98-05-002
173-303-017	AMD	98-03-018	173-308-200	NEW	98-05-101	180-34-015	REP	98-05-002
173-303-040	AMD	98-03-018	173-308-210	NEW	98-05-101	180-34-020	REP	98-05-002
173-303-045	AMD	98-03-018	173-308-220	NEW	98-05-101	180-34-025	REP	98-05-002
173-303-070	AMD	98-03-018	173-308-230	NEW	98-05-101	180-36-007	NEW	98-05-021
173-303-071	AMD	98-03-018	173-308-240	NEW	98-05-101	180-39-025	AMD	98-05-004
173-303-073	AMD	98-03-018	173-308-250	NEW	98-05-101	180-39-027	REP	98-05-004
173-303-077	AMD	98-03-018	173-308-260	NEW	98-05-101	180-39-028	REP	98-05-004
173-303-081	AMD	98-03-018	173-308-270	NEW	98-05-101	180-39-030	REP	98-05-004
173-303-082	AMD	98-03-018	173-308-275	NEW	98-05-101	180-39-035	REP	98-05-004
173-303-090	AMD	98-03-018	173-308-280	NEW	98-05-101	180-51-050	PREP	98-06-028
173-303-100	AMD	98-03-018	173-308-290	NEW	98-05-101	180-56-003	REP	98-05-005
173-303-104	AMD	98-03-018	173-308-295	NEW	98-05-101	180-58-010	REP	98-05-006
173-303-110	AMD	98-03-018	173-308-300	NEW	98-05-101	180-58-015	REP	98-05-006
173-303-120	AMD	98-03-018	173-308-310	NEW	98-05-101	180-58-020	REP	98-05-006
173-303-140	AMD	98-03-018	173-308-320	NEW	98-05-101	180-58-030	REP	98-05-006
173-303-145	AMD	98-03-018	173-308-900	NEW	98-05-101	180-58-040	REP	98-05-006
173-303-160	AMD	98-03-018	173-360-190	AMD-XA	98-10-091	180-58-045	REP	98-05-006
173-303-180	AMD	98-03-018	173-400	PREP	98-06-090	180-58-055	REP	98-05-006
173-303-201	AMD	98-03-018	173-400-060	AMD-P	98-10-034	180-58-065	REP	98-05-006
173-303-210	AMD	98-03-018	173-400-070	AMD-P	98-10-034	180-58-075	REP	98-05-006
173-303-230	AMD	98-03-018	173-400-075	AMD-P	98-10-034	180-58-085	REP	98-05-006
173-303-280	AMD	98-03-018	173-400-105	AMD-P	98-10-034	180-58-090	REP	98-05-006
173-303-282	AMD	98-03-018	173-400-110	AMD-P	98-10-034	180-59-005	REP	98-05-007
173-303-300	AMD	98-03-018	173-400-115	AMD-P	98-09-097	180-59-010	REP	98-05-007
173-303-335	AMD-W	98-05-062	173-415	PREP	98-10-090	180-59-015	REP	98-05-007
173-303-350	AMD	98-03-018	173-430-030	AMD-P	98-08-079	180-59-020	REP	98-05-007
173-303-380	AMD	98-03-018	173-430-030	AMD	98-12-016	180-59-025	REP	98-05-007
173-303-395	AMD	98-03-018	173-430-040	AMD-P	98-08-079	180-59-030	REP	98-05-007
173-303-400	AMD	98-03-018	173-430-040	AMD	98-12-016	180-59-032	REP	98-05-007
173-303-505	AMD	98-03-018	173-430-045	NEW-P	98-08-079	180-59-035	REP	98-05-007
173-303-520	AMD	98-03-018	173-430-045	NEW	98-12-016	180-59-037	REP	98-05-007
173-303-522	NEW	98-03-018	173-460-060	AMD	98-04-062	180-59-040	REP	98-05-007
173-303-573	NEW	98-03-018	173-460-060	AMD-P	98-10-034	180-59-045	REP	98-05-007
173-303-600	AMD	98-03-018	173-481	PREP	98-10-090	180-59-047	REP	98-05-007
173-303-610	AMD	98-03-018	173-490-203	REP	98-04-061	180-59-050	REP	98-05-007
173-303-620	AMD	98-03-018	173-531A-060	AMD	98-08-062	180-59-055	REP	98-05-007
173-303-655	AMD-W	98-05-062	173-563-015	REP	98-08-062	180-59-060	REP	98-05-007
173-303-665	AMD	98-03-018	173-563-020	AMD	98-08-062	180-59-065	REP	98-05-007
173-303-675	AMD	98-03-018	173-806-020	AMD-P	98-12-092	180-59-070	REP	98-05-007
173-303-800	AMD	98-03-018	173-806-030	AMD-P	98-12-092	180-59-075	REP	98-05-007
173-303-802	AMD	98-03-018	173-806-050	AMD-P	98-12-092	180-59-080	REP	98-05-007
173-303-804	AMD	98-03-018	173-806-053	AMD-P	98-12-092	180-59-090	REP	98-05-007
173-303-805	AMD	98-03-018	173-806-055	REP-P	98-12-092	180-59-095	REP	98-05-007
173-303-806	AMD	98-03-018	173-806-058	AMD-P	98-12-092	180-59-100	REP	98-05-007
173-303-807	AMD	98-03-018	173-806-065	AMD-P	98-12-092	180-59-105	REP	98-05-007
173-303-810	AMD	98-03-018	173-806-090	AMD-P	98-12-092	180-59-110	REP	98-05-007
173-303-815	AMD	98-03-018	173-806-100	AMD-P	98-12-092	180-59-115	REP	98-05-007
173-303-830	AMD	98-03-018	173-806-128	AMD-P	98-12-092	180-59-120	REP	98-05-007
173-303-840	AMD	98-03-018	173-806-130	AMD-P	98-12-092	180-59-125	REP	98-05-007
173-303-900	AMD	98-03-018	173-806-132	NEW-P	98-12-092	180-59-130	REP	98-05-007
173-303-910	AMD	98-03-018	173-806-150	AMD-P	98-12-092	180-59-135	REP	98-05-007
173-303-9903	AMD	98-03-018	173-806-160	AMD-P	98-12-092	180-59-140	REP	98-05-007
173-303-9904	AMD	98-03-018	173-806-170	AMD-P	98-12-092	180-59-145	REP	98-05-007

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC.#	ACTION	WSR #	WAC #	ACTION	WSR #
180-59-150	REP	98-05-007	192-210-015	NEW-E	98-13-015	196-08-310	REP	98-12-045
180-59-155	REP	98-05-007	194-10-010	REP	98-05-027	196-08-320	REP-P	98-08-078
180-59-160	REP	98-05-007	194-10-020	REP	98-05-027	196-08-320	REP	98-12-045
180-59-165	REP	98-05-007	194-10-030	REP	98-05-027	196-08-330	REP-P	98-08-078
180-78A	PREP	98-06-030	194-10-040	REP	98-05-027	196-08-330	REP	98-12-045
180-78A-165	AMD	98-05-022	194-10-050	REP	98-05-027	196-08-340	REP-P	98-08-078
180-79A-117	AMD	98-05-024	194-10-060	REP	98-05-027	196-08-340	REP	98-12-045
180-79A-220	AMD-P	98-04-089	194-10-070	REP	98-05-027	196-08-350	REP-P	98-08-078
180-79A-220	AMD	98-08-068	194-10-080	REP	98-05-027	196-08-350	REP	98-12-045
180-79A-340	AMD	98-05-023	194-10-090	REP	98-05-027	196-08-360	REP-P	98-08-078
180-79A-420	PREP	98-04-087	194-10-100	REP	98-05-027	196-08-360	REP	98-12-045
180-79A-420	AMD-P	98-10-102	194-10-110	REP	98-05-027	196-08-370	REP-P	98-08-078
180-79A-422	PREP	98-04-087	194-10-120	REP	98-05-027	196-08-370	REP	98-12-045
180-79A-422	AMD-P	98-10-102	194-10-130	REP	98-05-027	196-08-380	REP-P	98-08-078
180-79A-433	AMD-P	98-10-103	194-10-140	REP	98-05-027	196-08-380	REP	98-12-045
180-85-100	AMD	98-05-024	196-04	PREP	98-11-025	196-08-390	REP-P	98-08-078
180-87	PREP	98-08-038	196-08-010	REP-P	98-08-078	196-08-390	REP	98-12-045
180-90-125	PREP	98-10-024	196-08-010	REP	98-12-045	196-08-400	REP-P	98-08-078
182-04-070	AMD-XA	98-13-078	196-08-040	REP-P	98-08-078	196-08-400	REP	98-12-045
182-25-010	AMD	98-07-002	196-08-040	REP	98-12-045	196-08-410	REP-P	98-08-078
182-25-010	AMD-XA	98-10-086	196-08-050	REP-P	98-08-078	196-08-410	REP	98-12-045
182-25-020	AMD	98-07-002	196-08-050	REP	98-12-045	196-08-420	REP-P	98-08-078
182-25-030	AMD	98-07-002	196-08-060	REP-P	98-08-078	196-08-420	REP	98-12-045
182-25-040	AMD	98-07-002	196-08-060	REP	98-12-045	196-08-430	REP-P	98-08-078
182-25-070	AMD	98-07-002	196-08-070	REP-P	98-08-078	196-08-430	REP	98-12-045
182-25-080	AMD	98-07-002	196-08-070	REP	98-12-045	196-08-440	REP-P	98-08-078
182-25-090	AMD	98-07-002	196-08-080	REP-P	98-08-078	196-08-440	REP	98-12-045
182-25-100	AMD	98-07-002	196-08-080	REP	98-12-045	196-08-450	REP-P	98-08-078
182-25-105	AMD	98-07-002	196-08-090	REP-P	98-08-078	196-08-450	REP	98-12-045
192-12-030	AMD-P	98-09-106	196-08-090	REP	98-12-045	196-08-460	REP-P	98-08-078
192-12-040	AMD-P	98-09-105	196-08-100	REP-P	98-08-078	196-08-460	REP	98-12-045
192-12-041	AMD-P	98-09-105	196-08-100	REP	98-12-045	196-08-470	REP-P	98-08-078
192-12-042	AMD-P	98-09-105	196-08-110	REP-P	98-08-078	196-08-470	REP	98-12-045
192-12-141	AMD	98-06-097	196-08-110	REP	98-12-045	196-08-480	REP-P	98-08-078
192-16-051	PREP	98-08-072	196-08-120	REP-P	98-08-078	196-08-480	REP	98-12-045
192-16-051	REP-E	98-13-015	196-08-120	REP	98-12-045	196-08-490	REP-P	98-08-078
192-16-052	PREP	98-08-072	196-08-130	REP-P	98-08-078	196-08-490	REP	98-12-045
192-16-052	REP-E	98-13-015	196-08-130	REP	98-12-045	196-08-500	REP-P	98-08-078
192-16-057	PREP	98-08-072	196-08-140	REP-P	98-08-078	196-08-500	REP	98-12-045
192-18-010	REP-XR	98-07-023	196-08-140	REP	98-12-045	196-08-510	REP-P	98-08-078
192-18-012	REP-XR	98-07-023	196-08-150	REP-P	98-08-078	196-08-510	REP	98-12-045
192-18-020	REP-XR	98-07-023	196-08-150	REP	98-12-045	196-08-520	REP-P	98-08-078
192-18-030	REP-XR	98-07-023	196-08-160	REP-P	98-08-078	196-08-520	REP	98-12-045
192-18-040	REP-XR	98-07-023	196-08-160	REP	98-12-045	196-08-530	REP-P	98-08-078
192-18-050	REP-XR	98-07-023	196-08-170	REP-P	98-08-078	196-08-530	REP	98-12-045
192-18-060	REP-XR	98-07-023	196-08-170	REP	98-12-045	196-08-540	REP-P	98-08-078
192-18-070	REP-XR	98-07-023	196-08-180	REP-P	98-08-078	196-08-540	REP	98-12-045
192-20-010	REP-XR	98-07-024	196-08-180	REP	98-12-045	196-08-550	REP-P	98-08-078
192-23-018	AMD	98-06-097	196-08-190	REP-P	98-08-078	196-08-550	REP	98-12-045
192-32	AMD	98-05-042	196-08-190	REP	98-12-045	196-08-560	REP-P	98-08-078
192-32-001	REP	98-05-042	196-08-200	REP-P	98-08-078	196-08-560	REP	98-12-045
192-32-010	AMD	98-05-042	196-08-200	REP	98-12-045	196-08-570	REP-P	98-08-078
192-32-015	REP	98-05-042	196-08-210	REP-P	98-08-078	196-08-570	REP	98-12-045
192-32-025	REP	98-05-042	196-08-210	REP	98-12-045	196-08-580	REP-P	98-08-078
192-32-035	AMD	98-05-042	196-08-220	REP-P	98-08-078	196-08-580	REP	98-12-045
192-32-045	AMD	98-05-042	196-08-220	REP	98-12-045	196-08-590	REP-P	98-08-078
192-32-050	AMD	98-05-042	196-08-230	REP-P	98-08-078	196-08-590	REP	98-12-045
192-32-055	AMD	98-05-042	196-08-230	REP	98-12-045	196-09-010	NEW-P	98-08-078
192-32-065	AMD	98-05-042	196-08-240	REP-P	98-08-078	196-09-010	NEW	98-12-045
192-32-075	AMD	98-05-042	196-08-240	REP	98-12-045	196-09-020	NEW-P	98-08-078
192-32-085	AMD	98-05-042	196-08-250	REP-P	98-08-078	196-09-020	NEW	98-12-045
192-32-095	AMD	98-05-042	196-08-250	REP	98-12-045	196-12-010	AMD-P	98-08-105
192-32-100	NEW	98-05-042	196-08-260	REP-P	98-08-078	196-12-010	AMD	98-12-052
192-32-105	AMD	98-05-042	196-08-260	REP	98-12-045	196-12-020	AMD-P	98-08-105
192-32-115	AMD	98-05-042	196-08-270	REP-P	98-08-078	196-12-020	AMD	98-12-052
192-32-120	REP	98-05-042	196-08-270	REP	98-12-045	196-12-030	AMD-P	98-08-105
192-32-125	REP	98-05-042	196-08-280	REP-P	98-08-078	196-12-030	AMD	98-12-052
192-32-130	NEW	98-05-042	196-08-280	REP	98-12-045	196-12-045	NEW-P	98-08-105
192-32-135	NEW	98-05-042	196-08-290	REP-P	98-08-078	196-12-045	NEW	98-12-052
192-33-005	NEW	98-05-042	196-08-290	REP	98-12-045	196-12-050	AMD-P	98-08-105
192-33-006	NEW	98-05-042	196-08-300	REP-P	98-08-078	196-12-050	AMD	98-12-052
192-210-005	NEW-E	98-13-015	196-08-300	REP	98-12-045	196-12-060	REP-P	98-08-105
192-210-010	NEW-E	98-13-015	196-08-310	REP-P	98-08-078	196-12-060	REP	98-12-052

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
196-12-085	REP-P	98-08-105	212-17-210	REP-E	98-13-039	220-32-05500N	REP-E	98-11-041
196-12-085	REP	98-12-052	212-17-215	REP-XR	98-07-019	220-32-05500P	NEW-E	98-13-006
196-24-030	REP-P	98-08-105	212-17-215	REP	98-13-038	220-32-05500P	REP-E	98-13-006
196-24-030	REP	98-12-052	212-17-215	REP-E	98-13-039	220-32-05700X	NEW-E	98-04-006
196-24-040	REP-P	98-08-105	212-17-21503	NEW	98-04-007	220-32-05700X	REP-E	98-04-006
196-24-040	REP	98-12-052	212-17-21505	NEW	98-04-007	220-32-05700Y	NEW-E	98-08-027
196-24-050	REP-P	98-08-105	212-17-21507	NEW	98-04-007	220-33-01000A	NEW-E	98-12-061
196-24-050	REP	98-12-052	212-17-21509	NEW	98-04-007	220-33-01000Z	NEW-E	98-08-046
196-24-105	AMD-P	98-08-105	212-17-21511	NEW	98-04-007	220-33-01000Z	REP-E	98-08-046
196-24-105	AMD	98-12-052	212-17-21513	NEW	98-04-007	220-33-01000Z	REP-E	98-12-061
196-25-001	NEW-P	98-08-106	212-17-21515	NEW	98-04-007	220-33-03000L	NEW-E	98-08-046
196-25-001	NEW	98-12-053	212-17-21517	NEW	98-04-007	220-33-03000L	REP-E	98-08-046
196-25-002	NEW-P	98-08-106	212-17-21519	NEW	98-04-007	220-33-04000E	REP-E	98-04-067
196-25-002	NEW	98-12-053	220-12-010	AMD	98-06-031	220-33-04000F	NEW-E	98-04-067
196-25-005	NEW-P	98-08-106	220-12-020	AMD	98-06-031	220-36-021	AMD-P	98-11-086
196-25-005	NEW	98-12-053	220-16-002	NEW-P	98-11-086	220-36-023	AMD-P	98-11-086
196-25-010	NEW-P	98-08-106	220-16-005	NEW-P	98-11-086	220-40-021	AMD-P	98-11-086
196-25-010	NEW	98-12-053	220-16-440	AMD	98-06-031	220-40-027	AMD-P	98-11-086
196-25-020	NEW-P	98-08-106	220-16-475	NEW	98-06-031	220-44-030	AMD	98-05-043
196-25-020	NEW	98-12-053	220-16-480	NEW-P	98-09-089	220-44-050	AMD	98-05-043
196-25-030	NEW-P	98-08-106	220-16-480	NEW-W	98-11-049	220-44-050	AMD-XA	98-09-080
196-25-030	NEW	98-12-053	220-16-490	NEW-P	98-09-089	220-44-05000L	REP-E	98-10-059
196-25-040	NEW-P	98-08-106	220-16-490	NEW-W	98-11-049	220-44-05000M	NEW-E	98-10-059
196-25-040	NEW	98-12-053	220-16-500	NEW-W	98-11-049	220-44-080	AMD	98-05-043
196-26-020	AMD-P	98-09-051	220-16-510	NEW-W	98-11-049	220-47-304	AMD-P	98-11-086
196-26-020	AMD	98-12-046	220-16-520	NEW-W	98-11-049	220-47-307	AMD-P	98-11-086
196-26-030	AMD-P	98-09-051	220-16-530	NEW-W	98-11-049	220-47-311	AMD-P	98-11-086
196-26-030	AMD	98-12-046	220-16-540	NEW-W	98-11-049	220-47-326	REP-P	98-11-086
197-11-680	AMD	98-06-092	220-16-550	NEW	98-06-031	220-47-401	AMD-P	98-11-086
204-10-020	AMD	98-04-053	220-16-550	AMD-P	98-11-086	220-47-410	AMD-P	98-11-086
204-10-020	PREP	98-11-036	220-16-560	NEW-W	98-11-049	220-47-411	AMD-P	98-11-086
204-10-070	AMD	98-04-053	220-16-570	NEW-W	98-11-049	220-47-427	AMD-P	98-11-086
204-10-090	AMD	98-04-053	220-16-580	NEW-W	98-11-049	220-47-428	AMD-P	98-11-086
204-10-100	REP	98-04-053	220-16-590	NEW	98-06-031	220-48-005	AMD	98-05-043
204-10-110	REP	98-04-053	220-16-600	NEW-W	98-11-049	220-48-00500G	NEW-E	98-02-039
204-10-130	REP	98-04-053	220-16-610	NEW	98-06-031	220-48-013	AMD	98-05-043
204-10-140	REP	98-04-053	220-16-620	NEW-W	98-11-049	220-48-013	AMD-P	98-09-087
204-10-150	REP	98-04-053	220-16-630	NEW-W	98-11-049	220-48-015	AMD	98-05-043
204-24-050	PREP	98-11-035	220-16-640	NEW-W	98-11-049	220-48-019	AMD	98-05-043
204-72-030	AMD	98-04-054	220-16-650	NEW-W	98-11-049	220-48-032	AMD	98-05-043
204-72-040	AMD	98-04-054	220-16-660	NEW-W	98-11-049	220-48-042	AMD	98-05-043
204-90-030	AMD	98-04-052	220-16-670	NEW-W	98-11-049	220-48-052	AMD	98-05-043
204-90-040	AMD	98-04-052	220-16-680	NEW-W	98-11-049	220-48-071	AMD	98-05-043
204-90-070	AMD	98-04-052	220-16-690	NEW-W	98-11-049	220-49-005	AMD	98-05-043
204-90-120	AMD	98-04-052	220-16-700	NEW	98-06-031	220-49-011	AMD	98-05-043
204-90-140	AMD	98-04-052	220-16-710	NEW	98-06-031	220-49-012	AMD	98-05-043
208-418	PREP	98-13-084	220-16-720	NEW	98-06-031	220-49-013	AMD	98-05-043
208-436	PREP	98-13-084	220-20-010	AMD	98-06-031	220-49-014	AMD	98-05-043
208-440	PREP	98-13-084	220-20-010	AMD-P	98-09-089	220-49-017	AMD	98-05-043
208-444	PREP	98-13-084	220-20-010	AMD-P	98-11-086	220-49-020	AMD	98-05-043
208-444-010	AMD	98-10-072	220-20-01000A	NEW-E	98-05-014	220-49-02000K	NEW-E	98-08-045
208-444-020	AMD	98-10-072	220-20-01000A	REP-E	98-05-014	220-49-02000K	REP-E	98-08-045
208-444-030	AMD	98-10-072	220-20-01000B	NEW-E	98-08-046	220-49-021	AMD	98-05-043
208-444-040	AMD	98-10-072	220-20-015	AMD-P	98-09-089	220-49-024	AMD	98-05-043
208-444-050	AMD	98-10-072	220-20-020	AMD-P	98-09-089	220-49-056	AMD	98-05-043
208-464	PREP	98-13-084	220-20-025	AMD-P	98-09-089	220-52-03000L	NEW-E	98-07-055
208-472	PREP	98-13-084	220-22-410	AMD	98-05-043	220-52-03000L	REP-E	98-07-055
208-480	PREP	98-13-084	220-24-02000E	NEW-E	98-10-031	220-52-040	AMD	98-05-043
212-17-185	AMD	98-04-007	220-24-02000E	REP-E	98-11-020	220-52-04000G	NEW-E	98-04-034
212-17-190	REP-XR	98-07-019	220-24-02000F	NEW-E	98-11-020	220-52-046	AMD	98-05-043
212-17-190	REP	98-13-038	220-24-02000G	REP-E	98-12-076	220-52-04600A	NEW-E	98-05-025
212-17-190	REP-E	98-13-039	220-24-02000H	NEW-E	98-11-085	220-52-04600A	REP-E	98-07-054
212-17-195	REP-XR	98-07-019	220-24-02000I	NEW-E	98-12-076	220-52-04600B	NEW-E	98-07-054
212-17-195	REP	98-13-038	220-32-05100D	NEW-E	98-04-056	220-52-04600Z	NEW-E	98-04-034
212-17-195	REP-E	98-13-039	220-32-05100D	REP-E	98-04-056	220-52-04600Z	REP-E	98-05-025
212-17-200	REP-XR	98-07-019	220-32-05100E	REP-E	98-04-068	220-52-05000A	NEW-E	98-09-002
212-17-200	REP	98-13-038	220-32-05100E	NEW-E	98-04-068	220-52-05000A	REP-E	98-10-059
212-17-200	REP-E	98-13-039	220-32-05100E	REP-E	98-04-068	220-52-05000B	NEW-E	98-10-059
212-17-205	REP-XR	98-07-019	220-32-05100E	REP-E	98-07-057	220-52-07300A	NEW-E	98-04-035
212-17-205	REP	98-13-038	220-32-05500M	NEW-E	98-09-022	220-52-07300A	REP-E	98-05-045
212-17-205	REP-E	98-13-039	220-32-05500M	REP-E	98-09-022	220-52-07300B	NEW-E	98-05-045
212-17-210	REP-XR	98-07-019	220-32-05500M	REP-E	98-13-006	220-52-07300V	REP-E	98-02-041
212-17-210	REP	98-13-038	220-32-05500N	NEW-E	98-11-041	220-52-07300W	NEW-E	98-02-041

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-52-07300W	REP-E	98-03-001	220-57-13000V	NEW-E	98-10-061	220-57-51500N	NEW-E	98-09-005
220-52-07300X	NEW-E	98-03-001	220-57-13500U	NEW-E	98-10-061	220-57-525	AMD-P	98-11-086
220-52-07300Y	REP-E	98-03-058	220-57-137	AMD-P	98-11-086	220-88A-020	AMD	98-05-043
220-52-07300Z	NEW-E	98-03-058	220-57-140	AMD-P	98-11-086	220-88A-030	AMD	98-05-043
220-52-07300A	REP-E	98-04-010	220-57-14000T	NEW-E	98-10-061	220-88A-040	AMD	98-05-043
220-52-07300B	NEW-E	98-04-010	220-57-155	AMD-P	98-11-086	220-88A-050	AMD-P	98-09-088
220-52-07300C	REP-E	98-04-035	220-57-15500E	NEW-E	98-10-061	220-88A-060	AMD	98-05-043
220-56-100	AMD	98-06-031	220-57-160	AMD	98-06-031	220-88A-070	AMD	98-05-043
220-56-105	AMD	98-06-031	220-57-160	AMD-P	98-11-086	220-88A-07000R	NEW-E	98-09-050
220-56-115	AMD	98-06-031	220-57-16000K	NEW-E	98-06-038	220-88A-07000R	REP-E	98-10-032
220-56-124	AMD-P	98-11-086	220-57-16000L	NEW-E	98-09-005	220-88A-07000S	NEW-E	98-10-032
220-56-12400D	NEW-E	98-10-060	220-57-16000M	NEW-E	98-10-030	220-88A-07000S	REP-E	98-10-058
220-56-126	AMD-P	98-11-086	220-57-16000N	REP-E	98-10-030	220-88A-07000T	NEW-E	98-10-058
220-56-128	AMD	98-06-031	220-57-175	AMD-P	98-11-086	220-88A-07000T	REP-E	98-10-096
220-56-128	AMD-P	98-11-086	220-57-175	AMD	98-06-031	220-88A-07000U	NEW-E	98-10-096
220-56-145	AMD	98-06-031	220-57-17500I	NEW-E	98-06-037	220-88A-07000U	REP-E	98-11-007
220-56-180	AMD	98-06-031	220-57-187	AMD-P	98-11-086	220-88A-07000V	NEW-E	98-11-007
220-56-190	AMD-P	98-11-086	220-57-190	AMD	98-06-031	220-88A-07000V	REP-E	98-11-105
220-56-191	AMD	98-06-031	220-57-19000B	NEW-E	98-10-060	220-88A-07000W	NEW-E	98-11-105
220-56-191	AMD-P	98-11-086	220-57-195	AMD-P	98-11-086	220-88A-07000W	REP-E	98-13-016
220-56-19100B	NEW-E	98-10-060	220-57-200	AMD-P	98-11-086	220-88A-07000X	NEW-E	98-13-016
220-56-195	AMD-P	98-11-086	220-57-20000M	NEW-E	98-10-061	220-88A-080	AMD	98-05-043
220-56-19500A	NEW-E	98-10-060	220-57-235	AMD	98-06-031	220-88A-08000S	NEW-E	98-09-050
220-56-199	AMD-P	98-11-086	220-57-235	AMD-P	98-11-086	220-95-013	AMD-P	98-10-100
220-56-205	AMD-P	98-11-086	220-57-240	AMD	98-06-031	220-95-018	AMD-P	98-10-100
220-56-235	AMD-P	98-09-086	220-57-250	AMD-P	98-11-086	220-95-022	AMD-P	98-10-100
220-56-240	AMD	98-06-031	220-57-255	AMD-P	98-11-086	220-95-027	AMD-P	98-10-100
220-56-255	AMD	98-06-031	220-57-270	AMD-P	98-11-086	220-95-032	AMD-P	98-10-100
220-56-262	NEW	98-06-031	220-57-27000F	NEW-E	98-10-061	222-10-020	AMD-E	98-12-026
220-56-265	AMD	98-06-031	220-57-290	AMD	98-06-031	222-10-040	AMD-E	98-12-026
220-56-270	AMD	98-06-031	220-57-290	AMD-P	98-11-086	222-10-043	NEW-E	98-12-026
220-56-27000B	NEW-E	98-04-045	220-57-29000V	NEW-E	98-11-040	222-12-090	AMD-C	98-02-065
220-56-27200A	NEW-E	98-08-045	220-57-29000V	REP-E	98-12-059	222-12-090	AMD-E	98-07-046
220-56-27200A	REP-E	98-08-045	220-57-310	AMD	98-06-031	222-12-090	AMD-E	98-12-027
220-56-275	AMD	98-06-031	220-57-310	AMD-P	98-11-086	222-12-090	AMD-C	98-12-028
220-56-285	AMD	98-06-031	220-57-31000X	NEW-E	98-06-037	222-16-010	AMD	98-07-047
220-56-28500N	NEW-E	98-06-039	220-57-315	AMD-P	98-11-086	222-16-010	AMD-E	98-12-026
220-56-28500N	REP-E	98-06-039	220-57-31500E	NEW-E	98-12-060	222-16-030	AMD-C	98-02-065
220-56-28500P	NEW-E	98-07-011	220-57-31500E	REP-E	98-12-060	222-16-030	AMD-E	98-07-046
220-56-28500Q	NEW-E	98-09-055	220-57-319	AMD	98-06-031	222-16-030	AMD-E	98-12-027
220-56-28500R	NEW-E	98-13-004	220-57-319	AMD-P	98-11-086	222-16-030	AMD-C	98-12-028
220-56-295	AMD	98-06-031	220-57-31900Q	NEW-E	98-06-037	222-16-050	AMD	98-07-047
220-56-307	AMD	98-06-031	220-57-31900Q	REP-E	98-12-085	222-16-050	AMD-E	98-12-026
220-56-310	AMD	98-06-031	220-57-31900R	NEW-E	98-12-085	222-16-080	AMD-E	98-12-026
220-56-31000Q	NEW-E	98-09-014	220-57-335	AMD-P	98-11-086	222-16-088	NEW-E	98-12-026
220-56-315	AMD	98-06-031	220-57-340	AMD-P	98-11-086	222-20-010	AMD	98-07-047
220-56-320	AMD	98-06-031	220-57-350	AMD	98-06-031	222-20-040	AMD	98-07-047
220-56-325	AMD	98-06-031	220-57-350	AMD-P	98-11-086	222-20-130	NEW	98-07-047
220-56-32500R	NEW-E	98-10-097	220-57-355	AMD-P	98-11-086	222-24-050	AMD-E	98-12-026
220-56-32500R	REP-E	98-10-097	220-57-365	AMD-P	98-11-086	222-30-040	AMD-E	98-12-026
220-56-32500S	NEW-E	98-11-087	220-57-385	AMD-P	98-11-086	222-46-015	NEW	98-07-047
220-56-32500T	NEW-E	98-12-075	220-57-38500B	NEW-E	98-10-061	224-12-090	AMD-P	98-03-081
220-56-32500T	REP-E	98-12-075	220-57-405	AMD-P	98-11-086	224-12-090	AMD-S	98-10-094
220-56-330	AMD	98-06-031	220-57-40500A	NEW-E	98-10-060	230-02-205	AMD-P	98-04-022
220-56-33000F	NEW-E	98-12-077	220-57-425	AMD-P	98-11-086	230-02-208	NEW-P	98-10-066
220-56-33000F	REP-E	98-13-017	220-57-430	AMD-P	98-11-086	230-02-415	AMD	98-04-023
220-56-33000G	NEW-E	98-13-017	220-57-432	NEW-P	98-11-086	230-02-425	NEW	98-04-023
220-56-335	AMD	98-06-031	220-57-435	AMD-P	98-11-086	230-04-064	AMD-P	98-10-049
220-56-350	AMD	98-06-031	220-57-450	AMD-P	98-11-086	230-04-119	AMD-P	98-10-066
220-56-35000R	NEW-E	98-03-070	220-57-455	AMD	98-06-031	230-04-124	AMD-P	98-10-066
220-56-35000R	REP-E	98-09-015	220-57-455	AMD-P	98-11-086	230-04-133	NEW-P	98-10-066
220-56-35000S	NEW-E	98-09-015	220-57-460	AMD-P	98-11-086	230-08-017	AMD-P	98-09-058
220-56-36000T	NEW-E	98-05-034	220-57-46000F	NEW-E	98-10-061	230-08-025	AMD-P	98-10-066
220-56-36000T	REP-E	98-05-034	220-57-462	AMD-P	98-11-086	230-08-026	NEW-P	98-10-066
220-56-36000U	NEW-E	98-09-028	220-57-465	AMD-P	98-11-086	230-08-070	AMD-W	98-09-039
220-56-36000U	REP-E	98-09-028	220-57-470	AMD-P	98-11-086	230-08-080	AMD	98-04-024
220-56-36000V	NEW-E	98-09-095	220-57-480	AMD-P	98-11-086	230-08-122	AMD-P	98-10-049
220-56-36000V	REP-E	98-09-095	220-57-495	AMD	98-06-031	230-08-255	AMD-P	98-10-049
220-56-380	AMD	98-06-031	220-57-495	AMD-P	98-11-086	230-12-060	REP-P	98-10-049
220-56-38000L	NEW-E	98-03-070	220-57-505	AMD-P	98-11-086	230-12-330	AMD-P	98-03-069
220-56-385	AMD	98-06-031	220-57-50500A	NEW-E	98-09-005	230-12-330	AMD	98-08-011
220-57-120	AMD-P	98-11-086	220-57-510	AMD-P	98-11-086	230-20-102	AMD	98-04-024
220-57-130	AMD-P	98-11-086	220-57-515	AMD-P	98-11-086	230-20-115	AMD	98-04-024

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
230-20-325	AMD-P	98-03-068	232-28-254	REP	98-10-019	246-12-120	NEW	98-05-060
230-20-325	AMD	98-08-052	232-28-264	AMD-P	98-05-087	246-12-130	NEW	98-05-060
230-20-325	AMD-W	98-09-039	232-28-264	AMD	98-10-002	246-12-140	NEW	98-05-060
230-20-335	AMD-P	98-03-068	232-28-265	REP-P	98-05-086	246-12-160	NEW	98-05-060
230-20-335	AMD	98-08-052	232-28-265	REP	98-10-019	246-12-165	NEW	98-05-060
230-30-030	AMD-P	98-09-058	232-28-267	REP-P	98-05-086	246-12-170	NEW	98-05-060
230-30-040	AMD-P	98-09-058	232-28-267	REP	98-10-019	246-12-180	NEW	98-05-060
230-30-045	AMD-P	98-09-058	232-28-268	REP-P	98-05-086	246-12-190	NEW	98-05-060
230-30-050	AMD-P	98-10-068	232-28-268	REP	98-10-019	246-12-200	NEW	98-05-060
230-30-052	AMD-P	98-10-049	232-28-271	AMD-P	98-05-083	246-12-210	NEW	98-05-060
230-30-070	AMD-P	98-09-058	232-28-271	AMD	98-10-009	246-12-220	NEW	98-05-060
230-30-070	AMD-W	98-10-081	232-28-272	NEW-P	98-05-095	246-12-230	NEW	98-05-060
230-30-080	AMD-P	98-09-058	232-28-272	NEW	98-10-008	246-12-240	NEW	98-05-060
230-30-080	AMD-W	98-10-081	232-28-273	NEW-P	98-05-089	246-12-250	NEW	98-05-060
230-30-106	AMD-W	98-03-034	232-28-273	NEW	98-10-005	246-12-260	NEW	98-05-060
230-30-106	AMD-P	98-09-058	232-28-274	NEW-P	98-05-092	246-12-270	NEW	98-05-060
230-30-220	REP-W	98-10-050	232-28-274	NEW	98-10-004	246-12-280	NEW	98-05-060
230-30-225	NEW-P	98-06-027	232-28-280	NEW-P	98-05-085	246-12-290	NEW	98-05-060
230-30-225	NEW	98-10-067	232-28-280	NEW	98-10-010	246-12-300	NEW	98-05-060
230-30-225	NEW	98-12-005	232-28-281	NEW-P	98-05-088	246-12-310	NEW	98-05-060
232-12-002	NEW-P	98-10-098	232-28-281	NEW	98-10-003	246-12-320	NEW	98-05-060
232-12-010	AMD	98-06-031	232-28-619	AMD	98-06-031	246-12-330	NEW	98-05-060
232-12-011	AMD-P	98-05-084	232-28-619	AMD-P	98-11-086	246-12-340	NEW	98-05-060
232-12-011	AMD	98-06-031	232-28-61900B	NEW-E	98-02-040	246-12-350	NEW	98-05-060
232-12-011	AMD	98-10-021	232-28-61900B	REP-E	98-03-057	246-12-360	NEW	98-05-060
232-12-047	AMD-P	98-05-094	232-28-61900C	NEW-E	98-03-057	246-217	PREP	98-13-108
232-12-047	AMD	98-10-006	232-28-61900C	REP-E	98-05-011	246-220-010	AMD-P	98-09-108
232-12-24401	REP-P	98-05-086	232-28-61900D	NEW-E	98-06-035	246-220-010	AMD	98-13-037
232-12-24401	REP	98-10-019	232-28-61900E	NEW-E	98-06-059	246-221-001	AMD-P	98-09-108
232-12-24402	NEW-P	98-05-080	232-28-61900F	NEW-E	98-06-036	246-221-001	AMD	98-13-037
232-12-24402	NEW	98-10-007	232-28-61900G	NEW-E	98-06-060	246-221-060	AMD-P	98-09-108
232-12-297	AMD	98-05-041	232-28-61900G	REP-E	98-06-060	246-221-060	AMD	98-13-037
232-12-619	AMD	98-06-031	232-28-61900H	NEW-E	98-06-040	246-221-117	AMD-P	98-09-110
232-12-61900A	NEW-E	98-02-040	232-28-61900H	REP-E	98-06-040	246-221-117	AMD	98-13-034
232-28-02201	AMD-P	98-05-082	232-28-61900H	REP-E	98-12-085	246-221-130	AMD-P	98-09-108
232-28-02201	AMD	98-10-015	232-28-61900I	NEW-E	98-06-041	246-221-130	AMD	98-13-037
232-28-02202	AMD-P	98-05-081	232-28-61900I	REP-E	98-07-031	246-221-250	AMD-P	98-09-108
232-28-02202	AMD	98-10-014	232-28-61900J	NEW-E	98-07-012	246-221-250	AMD	98-13-037
232-28-02203	AMD-P	98-05-099	232-28-61900K	NEW-E	98-07-031	246-221-265	PREP	98-06-078
232-28-02203	AMD	98-10-016	232-28-61900L	NEW-E	98-07-056	246-222-080	AMD-P	98-09-108
232-28-02204	AMD-P	98-05-098	232-28-61900L	REP-E	98-07-056	246-222-080	AMD	98-13-037
232-28-02204	AMD	98-10-013	232-28-61900M	NEW-E	98-10-030	246-232-010	AMD-P	98-09-108
232-28-02205	AMD-P	98-05-097	232-28-61900M	REP-E	98-10-030	246-232-010	AMD	98-13-037
232-28-02205	AMD	98-10-012	232-28-61900N	NEW-W	98-05-063	246-232-040	AMD-P	98-09-108
232-28-02206	AMD-P	98-05-096	232-28-61900N	NEW-E	98-11-019	246-232-040	AMD	98-13-037
232-28-02206	AMD	98-10-011	232-28-61900P	NEW-E	98-12-085	246-233-010	AMD-P	98-09-108
232-28-02210	REP-P	98-05-086	232-28-61900Q	NEW-E	98-13-005	246-233-010	AMD	98-13-037
232-28-02210	REP	98-10-019	232-28-61900Q	REP-E	98-13-005	246-233-020	AMD-P	98-09-108
232-28-02220	AMD-P	98-05-091	232-28-61900W	REP-E	98-06-041	246-233-020	AMD	98-13-037
232-28-02220	AMD	98-10-017	232-28-61900Y	REP-E	98-07-031	246-235-020	AMD-P	98-09-108
232-28-02230	REP-P	98-05-086	232-28-61900Z	REP-E	98-06-035	246-235-020	AMD	98-13-037
232-28-02230	REP	98-10-019	236-11-010	AMD-XA	98-07-110	246-235-080	AMD-P	98-09-108
232-28-02240	AMD-P	98-05-090	236-11-020	REP-XA	98-07-110	246-235-080	AMD	98-13-037
232-28-02240	AMD	98-10-020	236-11-040	REP-XA	98-07-110	246-235-090	AMD-P	98-09-108
232-28-02250	REP-P	98-05-086	236-11-050	AMD-XA	98-07-110	246-235-090	AMD	98-13-037
232-28-02250	REP	98-10-019	236-11-070	REP-XA	98-07-110	246-235-091	NEW-P	98-09-108
232-28-02260	REP-P	98-05-086	236-11-080	AMD-XA	98-07-110	246-235-091	NEW	98-13-037
232-28-02260	REP	98-10-019	236-11-090	REP-XA	98-07-110	246-235-093	NEW-P	98-09-108
232-28-02270	REP-P	98-05-086	236-11-100	AMD-XA	98-07-110	246-235-093	NEW	98-13-037
232-28-02270	REP	98-10-019	236-11-110	AMD-XA	98-07-110	246-235-095	NEW-P	98-09-108
232-28-240	REP-P	98-05-086	236-11-120	REP-XA	98-07-110	246-235-095	NEW	98-13-037
232-28-240	REP	98-10-019	236-22	PREP	98-12-109	246-235-097	NEW-P	98-09-108
232-28-242	REP-P	98-05-086	246-12-001	NEW	98-05-060	246-235-097	NEW	98-13-037
232-28-242	REP	98-10-019	246-12-010	NEW	98-05-060	246-235-100	AMD-P	98-09-108
232-28-248	AMD-P	98-05-093	246-12-020	NEW	98-05-060	246-235-100	AMD	98-13-037
232-28-248	AMD	98-10-018	246-12-030	NEW	98-05-060	246-235-102	NEW-P	98-09-108
232-28-249	REP-P	98-05-086	246-12-040	NEW	98-05-060	246-235-102	NEW	98-13-037
232-28-249	REP	98-10-019	246-12-060	NEW	98-05-060	246-235-105	NEW-P	98-09-108
232-28-252	REP-P	98-05-086	246-12-070	NEW	98-05-060	246-235-105	NEW	98-13-037
232-28-252	REP	98-10-019	246-12-080	NEW	98-05-060	246-235-120	AMD-P	98-09-108
232-28-253	REP-P	98-05-086	246-12-090	NEW	98-05-060	246-235-120	AMD	98-13-037
232-28-253	REP	98-10-019	246-12-100	NEW	98-05-060	246-239-010	AMD-P	98-09-108
232-28-254	REP-P	98-05-086	246-12-110	NEW	98-05-060	246-239-010	AMD	98-13-037

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-239-022	AMD-P	98-09-108	246-310-397	AMD-XA	98-12-067	246-815-140	AMD	98-05-060
246-239-022	AMD	98-13-037	246-310-560	AMD-XA	98-05-057	246-815-150	REP	98-05-060
246-239-025	AMD-P	98-09-108	246-310-560	AMD	98-10-053	246-815-300	REP	98-05-060
246-239-025	AMD	98-13-037	246-310-610	AMD-XA	98-05-057	246-815-990	AMD	98-05-060
246-239-040	AMD-P	98-09-108	246-310-610	AMD	98-10-053	246-817-110	AMD	98-05-060
246-239-040	AMD	98-13-037	246-312	AMD-P	98-09-111	246-817-150	AMD	98-05-060
246-239-055	NEW-P	98-09-108	246-312-020	NEW-P	98-09-111	246-817-201	REP	98-05-060
246-239-055	NEW	98-13-037	246-312-030	NEW-P	98-09-111	246-817-210	AMD	98-05-060
246-240-010	AMD-P	98-09-108	246-312-035	NEW-P	98-09-111	246-817-990	AMD	98-05-060
246-240-010	AMD	98-13-037	246-312-040	NEW-P	98-09-111	246-822-110	REP	98-05-060
246-240-015	AMD-P	98-09-108	246-312-050	NEW-P	98-09-111	246-822-120	AMD	98-05-060
246-240-015	AMD	98-13-037	246-312-060	NEW-P	98-09-111	246-822-990	AMD	98-05-060
246-240-020	AMD-P	98-09-108	246-312-070	NEW-P	98-09-111	246-824-020	AMD	98-05-060
246-240-020	AMD	98-13-037	246-312-080	NEW-P	98-09-111	246-824-040	AMD	98-05-060
246-240-025	NEW-P	98-09-108	246-312-090	NEW-P	98-09-111	246-824-071	AMD	98-05-060
246-240-025	NEW	98-13-037	246-312-100	NEW-P	98-09-111	246-824-073	AMD	98-05-060
246-240-050	AMD-P	98-09-108	246-312-110	NEW-P	98-09-111	246-824-074	NEW	98-05-060
246-240-050	AMD	98-13-037	246-312-120	NEW-P	98-09-111	246-824-075	AMD	98-05-060
246-244-240	AMD-P	98-09-108	246-316-990	AMD-E	98-04-090	246-824-170	AMD	98-05-060
246-244-240	AMD	98-13-037	246-318-990	AMD-P	98-09-109	246-824-990	AMD	98-05-060
246-247-010	AMD-P	98-09-108	246-318-990	AMD	98-13-035	246-824-995	NEW	98-05-060
246-247-010	AMD	98-13-037	246-327-990	AMD-P	98-09-112	246-826-050	AMD	98-05-060
246-249-010	AMD-XA	98-03-095	246-327-990	AMD	98-13-036	246-826-230	AMD	98-05-060
246-249-010	AMD	98-09-117	246-328-100	REP	98-05-060	246-826-990	AMD	98-05-060
246-249-090	AMD-XA	98-03-095	246-328-200	AMD	98-05-060	246-826-995	NEW-W	98-05-059
246-249-090	AMD	98-09-117	246-328-990	AMD	98-05-060	246-828-005	AMD	98-06-079
246-250-600	AMD-XA	98-03-095	246-331-990	AMD-P	98-09-112	246-828-005	REP-XR	98-08-112
246-250-600	AMD	98-09-117	246-331-990	AMD	98-13-036	246-828-015	REP-XR	98-08-113
246-254-053	AMD-P	98-07-081	246-336-990	AMD-P	98-09-112	246-828-020	AMD-P	98-07-084
246-254-053	AMD	98-11-066	246-336-990	AMD	98-13-036	246-828-020	AMD	98-13-110
246-254-070	AMD-P	98-07-080	246-340-085	REP	98-09-120	246-828-025	NEW-P	98-07-083
246-254-070	AMD	98-11-067	246-358-600	NEW-E	98-11-001	246-828-025	NEW	98-13-109
246-254-080	AMD-P	98-07-080	246-358-610	NEW-E	98-11-001	246-828-030	AMD	98-06-079
246-254-080	AMD	98-11-067	246-358-620	NEW-E	98-11-001	246-828-050	REP	98-05-060
246-254-090	AMD-P	98-07-080	246-358-630	NEW-E	98-11-001	246-828-075	AMD	98-06-079
246-254-090	AMD	98-11-067	246-358-640	NEW-E	98-11-001	246-828-080	AMD	98-06-079
246-254-100	AMD-P	98-07-080	246-358-650	NEW-E	98-11-001	246-828-090	AMD	98-06-079
246-254-100	AMD	98-11-067	246-802-020	REP	98-05-060	246-828-095	NEW-P	98-08-117
246-282-005	AMD	98-03-096	246-802-025	AMD	98-05-060	246-828-100	AMD	98-06-079
246-282-990	AMD-P	98-08-118	246-802-090	AMD	98-05-060	246-828-105	NEW-P	98-08-117
246-282-990	AMD	98-12-068	246-802-250	AMD	98-05-060	246-828-270	AMD	98-06-079
246-290-990	AMD-P	98-07-082	246-802-990	AMD	98-05-060	246-828-280	AMD	98-06-079
246-290-990	AMD	98-11-068	246-808-105	AMD	98-05-060	246-828-295	AMD-W	98-05-058
246-292-160	AMD-P	98-07-082	246-808-106	REP	98-05-060	246-828-295	AMD	98-05-060
246-292-160	AMD	98-12-015	246-808-150	AMD	98-05-060	246-828-300	AMD-W	98-05-058
246-310-010	AMD-XA	98-05-057	246-808-155	AMD	98-05-060	246-828-300	AMD	98-05-060
246-310-010	AMD	98-10-053	246-808-160	REP	98-05-060	246-828-320	AMD	98-06-079
246-310-044	AMD-XA	98-05-057	246-808-165	AMD	98-05-060	246-828-330	AMD	98-06-079
246-310-044	AMD	98-10-053	246-808-180	AMD	98-05-060	246-828-340	AMD	98-06-079
246-310-045	NEW-XA	98-12-067	246-808-181	NEW	98-05-060	246-828-350	AMD	98-06-079
246-310-050	AMD-XA	98-05-057	246-808-185	REP	98-05-060	246-828-370	AMD-W	98-05-058
246-310-050	AMD	98-10-053	246-808-215	AMD	98-05-060	246-828-370	AMD	98-05-060
246-310-080	AMD-XA	98-05-057	246-808-990	AMD	98-05-060	246-828-510	AMD	98-05-060
246-310-080	AMD	98-10-053	246-810-020	REP	98-05-060	246-828-520	REP	98-05-060
246-310-090	AMD-XA	98-05-057	246-810-022	REP	98-05-060	246-828-530	AMD	98-05-060
246-310-090	AMD	98-10-053	246-810-080	AMD	98-05-060	246-828-540	REP	98-05-060
246-310-120	AMD-XA	98-05-057	246-810-130	AMD	98-05-060	246-828-560	REP	98-05-060
246-310-120	AMD	98-10-053	246-810-140	REP-W	98-05-059	246-828-990	AMD	98-05-060
246-310-132	AMD-XA	98-05-057	246-810-990	AMD	98-05-060	246-830-035	AMD	98-05-060
246-310-132	AMD	98-10-053	246-812-120	AMD	98-05-060	246-830-050	REP	98-05-060
246-310-150	AMD-XA	98-05-057	246-812-130	REP-W	98-08-111	246-830-460	AMD	98-05-060
246-310-150	AMD	98-10-053	246-812-140	REP	98-05-060	246-830-465	REP	98-05-060
246-310-160	AMD-XA	98-05-057	246-812-160	AMD	98-05-060	246-830-470	REP	98-05-060
246-310-160	AMD	98-10-053	246-812-161	NEW	98-05-060	246-830-480	REP	98-05-060
246-310-170	AMD-XA	98-05-057	246-812-990	AMD	98-05-060	246-830-990	AMD	98-05-060
246-310-170	AMD	98-10-053	246-812-995	NEW	98-05-060	246-834-060	AMD	98-05-060
246-310-180	AMD-XA	98-05-057	246-815-020	AMD	98-05-060	246-834-060	PREP	98-11-064
246-310-180	AMD	98-10-053	246-815-040	REP	98-05-060	246-834-065	AMD	98-05-060
246-310-395	AMD-XA	98-05-057	246-815-060	REP-XR	98-07-087	246-834-070	PREP	98-11-064
246-310-395	AMD	98-10-053	246-815-070	REP-XR	98-07-087	246-834-080	PREP	98-11-064
246-310-395	AMD-XA	98-12-067	246-815-080	REP-XR	98-07-087	246-834-170	AMD	98-05-060
246-310-396	AMD-XA	98-05-057	246-815-090	REP-XR	98-07-087	246-834-200	AMD	98-05-060
246-310-396	AMD	98-10-053	246-815-100	AMD	98-05-060	246-834-260	AMD	98-05-060

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-834-400	NEW	98-05-060	246-853-060	AMD	98-05-060	246-922-995	NEW	98-05-060
246-834-500	REP	98-05-060	246-853-080	AMD	98-05-060	246-924-110	AMD	98-05-060
246-834-990	AMD-P	98-07-085	246-853-210	AMD	98-05-060	246-924-120	REP	98-05-060
246-834-990	AMD	98-11-069	246-853-230	AMD	98-05-060	246-924-230	AMD	98-05-060
246-836-080	AMD	98-05-060	246-853-240	REP	98-05-060	246-924-290	REP	98-05-060
246-836-090	REP	98-05-060	246-853-270	REP	98-05-060	246-924-320	REP	98-05-060
246-836-410	AMD	98-05-060	246-853-275	REP	98-05-060	246-924-490	REP	98-05-060
246-836-990	AMD-W	98-05-058	246-853-990	AMD	98-05-060	246-924-500	AMD	98-05-060
246-836-990	AMD	98-05-060	246-854-050	AMD	98-05-060	246-924-990	AMD	98-05-060
246-840-010	AMD	98-05-060	246-854-080	AMD	98-05-060	246-926-160	REP	98-05-060
246-840-010	AMD-C	98-08-116	246-854-110	AMD	98-05-060	246-926-170	AMD	98-05-060
246-840-010	AMD-W	98-09-040	246-855-100	AMD	98-05-060	246-926-200	AMD	98-05-060
246-840-020	AMD	98-05-060	246-861-010	AMD	98-05-060	246-926-990	AMD	98-05-060
246-840-040	AMD	98-05-060	246-861-020	AMD	98-05-060	246-926-995	NEW-W	98-05-059
246-840-080	AMD	98-05-060	246-861-120	REP	98-05-060	246-928	PREP	98-08-114
246-840-090	AMD	98-05-060	246-863-030	AMD	98-05-060	246-928-090	REP	98-05-060
246-840-100	REP	98-05-060	246-863-050	REP	98-05-060	246-928-190	AMD	98-05-060
246-840-110	REP	98-05-060	246-863-070	AMD	98-05-060	246-928-990	AMD	98-05-060
246-840-111	NEW	98-05-060	246-863-080	AMD	98-05-060	246-930-020	AMD	98-05-060
246-840-115	REP	98-05-060	246-863-090	AMD	98-05-060	246-930-400	REP	98-05-060
246-840-120	AMD	98-05-060	246-863-120	AMD	98-05-060	246-930-410	AMD	98-05-060
246-840-340	AMD	98-05-060	246-869-050	REP	98-05-060	246-930-420	AMD	98-05-060
246-840-350	AMD	98-05-060	246-869-220	PREP	98-11-065	246-930-430	REP	98-05-060
246-840-360	AMD	98-05-060	246-879-070	AMD	98-05-060	246-930-431	NEW	98-05-060
246-840-365	AMD	98-05-060	246-883-050	REP-XR	98-07-088	246-930-990	AMD	98-05-060
246-840-410	AMD	98-05-060	246-887-020	AMD	98-05-060	246-930-995	NEW	98-05-060
246-840-440	AMD	98-05-060	246-887-170	AMD	98-02-084	246-933-180	REP	98-05-060
246-840-450	AMD	98-05-060	246-901-065	AMD	98-05-060	246-933-305	AMD	98-05-060
246-840-730	PREP	98-09-115	246-901-120	AMD	98-05-060	246-933-420	AMD	98-05-060
246-840-985	NEW-C	98-08-116	246-904	PREP	98-04-037	246-933-430	REP	98-05-060
246-840-985	NEW-W	98-09-040	246-907-020	REP	98-05-060	246-933-470	REP	98-05-060
246-840-990	AMD	98-05-060	246-907-030	AMD	98-05-060	246-933-480	AMD	98-05-060
246-840-990	PREP	98-10-108	246-907-030	AMD-P	98-07-086	246-933-990	AMD	98-05-060
246-841-520	NEW	98-05-060	246-907-030	AMD	98-10-052	246-935-130	AMD	98-05-060
246-841-610	AMD	98-05-060	246-907-995	NEW	98-05-060	246-935-990	AMD	98-05-060
246-841-990	AMD	98-05-060	246-915-010	AMD	98-05-060	246-937-050	AMD	98-05-060
246-843-150	AMD	98-05-060	246-915-050	AMD	98-05-060	246-937-080	AMD	98-05-060
246-843-155	REP	98-05-060	246-915-060	REP	98-05-060	246-937-990	AMD	98-05-060
246-843-160	REP	98-05-060	246-915-085	AMD	98-05-060	246-976-470	REP	98-04-038
246-843-162	AMD	98-05-060	246-915-110	AMD	98-05-060	246-976-475	REP	98-04-038
246-843-180	AMD	98-05-060	246-915-990	AMD	98-05-060	246-976-480	REP	98-04-038
246-843-230	AMD	98-05-060	246-918-006	REP	98-05-060	246-976-485	NEW	98-04-038
246-843-250	REP	98-05-060	246-918-008	REP	98-09-118	246-976-490	NEW	98-04-038
246-843-320	REP	98-05-060	246-918-009	REP	98-09-118	246-976-500	AMD	98-04-038
246-843-330	AMD	98-05-060	246-918-080	AMD	98-05-060	246-976-510	AMD	98-04-038
246-843-990	AMD	98-05-060	246-918-081	NEW	98-05-060	246-976-520	AMD	98-04-038
246-845-100	REP	98-05-060	246-918-085	REP	98-05-060	246-976-550	AMD	98-04-038
246-845-990	AMD	98-05-060	246-918-160	REP	98-09-119	246-976-560	AMD	98-04-038
246-845-990	PREP	98-09-116	246-918-170	AMD	98-05-060	246-976-570	AMD	98-04-038
246-847-055	AMD	98-05-060	246-918-180	AMD	98-05-060	246-976-600	AMD	98-04-038
246-847-060	REP	98-05-060	246-918-990	AMD	98-05-060	246-976-610	AMD	98-04-038
246-847-065	AMD	98-05-060	246-919-030	REP	98-05-060	246-976-615	NEW	98-04-038
246-847-068	AMD	98-05-060	246-919-305	REP	98-05-060	246-976-620	NEW	98-04-038
246-847-070	AMD	98-05-060	246-919-380	AMD	98-05-060	246-976-640	AMD	98-04-038
246-847-190	AMD	98-05-060	246-919-400	REP	98-05-060	246-976-650	AMD	98-04-038
246-847-200	REP	98-05-060	246-919-410	REP	98-05-060	246-976-680	AMD	98-04-038
246-847-990	AMD	98-05-060	246-919-420	REP	98-05-060	246-976-690	AMD	98-04-038
246-849-110	AMD	98-05-060	246-919-430	AMD	98-05-060	246-976-720	AMD	98-04-038
246-849-210	AMD	98-05-060	246-919-440	REP	98-05-060	246-976-730	AMD	98-04-038
246-849-220	AMD	98-05-060	246-919-460	AMD	98-05-060	246-976-740	AMD	98-04-038
246-849-260	AMD	98-05-060	246-919-480	AMD	98-05-060	246-976-770	AMD	98-04-038
246-849-990	AMD	98-05-060	246-919-500	REP	98-09-118	246-976-780	AMD	98-04-038
246-849-995	NEW	98-05-060	246-919-510	REP	98-09-118	246-976-790	AMD	98-04-038
246-851-020	REP	98-05-060	246-919-990	AMD	98-05-060	246-976-810	AMD	98-04-038
246-851-090	AMD	98-05-060	246-922-070	AMD	98-05-060	246-976-820	AMD	98-04-038
246-851-100	REP	98-05-060	246-922-275	REP	98-05-060	246-976-822	NEW	98-04-038
246-851-220	REP	98-05-060	246-922-280	REP	98-05-060	246-976-830	AMD	98-04-038
246-851-240	REP	98-05-060	246-922-285	NEW	98-05-060	246-976-840	AMD	98-04-038
246-851-430	AMD	98-05-060	246-922-290	AMD	98-05-060	246-976-850	AMD	98-04-038
246-851-510	REP	98-05-060	246-922-295	AMD	98-05-060	246-976-860	AMD	98-04-038
246-851-990	AMD	98-05-060	246-922-300	AMD	98-05-060	246-976-870	NEW	98-04-038
246-853-040	REP	98-05-060	246-922-320	REP	98-05-060	246-976-880	REP	98-04-038
246-853-045	AMD	98-05-060	246-922-990	AMD	98-05-060	246-976-881	NEW	98-04-038

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-976-885	AMD	98-04-038	251-19-154	NEW	98-13-058	275-27-210	PREP	98-10-040
246-976-890	AMD	98-04-038	251-22-127	NEW-P	98-10-121	275-27-212	PREP	98-10-040
246-976-935	NEW	98-05-035	251-22-127	NEW-E	98-13-056	275-27-230	AMD-E	98-13-041
250-10-010	REP	98-08-006	251-22-127	NEW	98-13-057	275-27-810	PREP	98-09-094
250-10-020	REP	98-08-006	255-01-010	NEW-P	98-04-060	275-27-820	PREP	98-09-094
250-10-022	REP	98-08-006	255-01-010	NEW	98-07-071	275-31	PREP	98-09-092
250-10-026	REP	98-08-006	255-01-020	NEW-P	98-04-060	275-38	PREP	98-09-092
250-10-028	REP	98-08-006	255-01-020	NEW	98-07-071	275-41	PREP	98-09-092
250-10-030	REP	98-08-006	255-01-030	NEW-P	98-04-060	275-46-010	PREP	98-10-125
250-10-040	REP	98-08-006	255-01-030	NEW	98-07-071	275-46-020	PREP	98-10-125
250-10-050	REP	98-08-006	255-01-040	NEW-P	98-04-060	275-46-060	PREP	98-10-125
250-10-060	REP	98-08-006	255-01-040	NEW	98-07-071	275-46-070	PREP	98-10-125
250-10-070	REP	98-08-006	255-01-050	NEW-P	98-04-060	275-59	PREP	98-10-105
250-10-080	REP	98-08-006	255-01-050	NEW	98-07-071	284-01-050	NEW	98-04-063
250-10-090	REP	98-08-006	255-01-060	NEW-P	98-04-060	284-05-040	AMD-XA	98-07-105
250-10-100	REP	98-08-006	255-01-060	NEW	98-07-071	284-05-040	AMD	98-11-089
250-10-110	REP	98-08-006	255-01-070	NEW-P	98-04-060	284-05-060	AMD-XA	98-07-105
250-10-120	REP	98-08-006	255-01-070	NEW	98-07-071	284-05-060	AMD	98-11-089
250-10-130	REP	98-08-006	255-01-080	NEW-P	98-04-060	284-05-070	REP-XA	98-07-105
250-10-140	REP	98-08-006	255-01-080	NEW	98-07-071	284-05-070	REP	98-11-089
250-10-150	REP	98-08-006	255-01-090	NEW-P	98-04-060	284-10	REP-C	98-03-004
250-10-160	REP	98-08-006	255-01-090	NEW	98-07-071	284-10-010	REP	98-04-005
250-10-170	REP	98-08-006	255-01-100	NEW-P	98-04-060	284-10-015	REP	98-04-005
250-12-010	REP	98-08-008	255-01-100	NEW	98-07-071	284-10-020	REP	98-04-005
250-12-020	REP	98-08-008	255-01-110	NEW-P	98-04-060	284-10-030	REP	98-04-005
250-12-030	REP	98-08-008	255-01-110	NEW	98-07-071	284-10-050	REP	98-04-005
250-12-040	REP	98-08-008	255-01-120	NEW-P	98-04-060	284-10-060	REP	98-04-005
250-12-050	REP	98-08-008	255-01-120	NEW	98-07-071	284-10-070	REP	98-04-005
250-12-060	REP	98-08-008	255-01-130	NEW-P	98-04-060	284-10-090	REP	98-04-005
250-12-070	REP	98-08-008	255-01-130	NEW	98-07-071	284-10-140	REP	98-04-005
250-16-001	REP	98-08-007	255-01-140	NEW-P	98-04-060	284-17-135	REP	98-06-022
250-16-010	REP	98-08-007	255-01-140	NEW	98-07-071	284-17-220	AMD-XA	98-07-104
250-16-020	REP	98-08-007	255-02-010	NEW-P	98-04-059	284-17-220	AMD	98-11-090
250-16-030	REP	98-08-007	255-02-010	NEW	98-11-005	284-17-300	REP-XA	98-04-084
250-16-040	REP	98-08-007	255-02-020	NEW-P	98-04-059	284-17-300	REP	98-09-041
250-16-050	REP	98-08-007	255-02-020	NEW	98-11-005	284-17-570	REP-XA	98-07-065
250-16-060	REP	98-08-007	255-02-030	NEW-P	98-04-059	284-17-570	REP	98-11-088
250-18-020	AMD	98-08-004	255-02-030	NEW	98-11-005	284-19-010	AMD-XA	98-08-097
250-18-060	AMD	98-08-004	255-02-040	NEW-P	98-04-059	284-19-010	AMD	98-13-095
250-55-010	REP	98-08-009	255-02-040	NEW	98-11-005	284-19-020	AMD-XA	98-08-097
250-55-020	REP	98-08-009	255-02-050	NEW-P	98-04-059	284-19-020	AMD	98-13-095
250-55-030	REP	98-08-009	255-02-050	NEW	98-11-005	284-19-030	REP-XA	98-08-097
250-55-040	REP	98-08-009	255-02-060	NEW-P	98-04-059	284-19-030	REP	98-13-095
250-55-050	REP	98-08-009	255-02-060	NEW	98-11-005	284-19-040	AMD-XA	98-08-097
250-55-060	REP	98-08-009	255-02-070	NEW-P	98-04-059	284-19-040	AMD	98-13-095
250-55-070	REP	98-08-009	255-02-070	NEW	98-11-005	284-19-050	AMD-XA	98-08-097
250-55-080	REP	98-08-009	255-02-080	NEW-P	98-04-059	284-19-050	AMD	98-13-095
250-55-090	REP	98-08-009	255-02-080	NEW	98-11-005	284-19-060	AMD-XA	98-08-097
250-55-100	REP	98-08-009	255-02-090	NEW-P	98-04-059	284-19-060	AMD	98-13-095
250-55-110	REP	98-08-009	255-02-090	NEW	98-11-005	284-19-070	AMD-XA	98-08-097
250-55-120	REP	98-08-009	255-02-100	NEW-P	98-04-059	284-19-070	AMD	98-13-095
250-55-130	REP	98-08-009	255-02-100	NEW	98-11-005	284-19-080	AMD-XA	98-08-097
250-55-140	REP	98-08-009	255-02-110	NEW-P	98-04-059	284-19-080	AMD	98-13-095
250-55-150	REP	98-08-009	255-02-110	NEW	98-11-005	284-19-090	AMD-XA	98-08-097
250-55-160	REP	98-08-009	260-24-560	PREP	98-10-110	284-19-090	AMD	98-13-095
250-55-170	REP	98-08-009	260-32-180	AMD	98-07-070	284-19-100	AMD-XA	98-08-097
250-55-180	REP	98-08-009	260-32-360	REP	98-07-070	284-19-100	AMD	98-13-095
250-55-190	REP	98-08-009	275-25	PREP	98-09-092	284-19-110	AMD-XA	98-08-097
250-55-200	REP	98-08-009	275-26	PREP	98-09-092	284-19-110	AMD	98-13-095
250-55-210	REP	98-08-009	275-27	PREP	98-09-092	284-19-120	AMD-XA	98-08-097
250-55-220	REP	98-08-009	275-27-020	PREP	98-10-040	284-19-120	AMD	98-13-095
250-61-060	AMD-XA	98-08-001	275-27-020	AMD-E	98-13-041	284-19-130	AMD-XA	98-08-097
250-61-090	AMD-XA	98-08-002	275-27-023	AMD-E	98-13-041	284-19-130	AMD	98-13-095
250-61-150	REP	98-08-005	275-27-030	PREP	98-09-094	284-19-140	AMD-XA	98-08-097
250-71-050	AMD	98-08-003	275-27-040	AMD-E	98-13-041	284-19-140	AMD	98-13-095
251-04-170	NEW-C	98-06-014	275-27-050	AMD-E	98-13-041	284-19-150	AMD-XA	98-08-097
251-04-170	NEW	98-08-024	275-27-180	PREP	98-10-040	284-19-150	AMD	98-13-095
251-10-030	AMD	98-03-051	275-27-182	PREP	98-10-040	284-19-160	AMD-XA	98-08-097
251-19-100	AMD-C	98-06-015	275-27-185	PREP	98-10-040	284-19-160	AMD	98-13-095
251-19-100	AMD	98-08-026	275-27-190	PREP	98-10-040	284-19-170	AMD-XA	98-08-097
251-19-105	AMD-C	98-06-013	275-27-195	PREP	98-10-040	284-19-170	AMD	98-13-095
251-19-105	AMD	98-08-025	275-27-200	PREP	98-10-040	284-19-180	AMD-XA	98-08-097
251-19-154	NEW-P	98-09-067	275-27-205	PREP	98-10-040	284-19-180	AMD	98-13-095

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
284-20-006	AMD-XA	98-13-093	284-36A-060	NEW-XA	98-04-085	284-51-180	REP	98-09-041
284-20-020	AMD-XA	98-13-093	284-36A-060	NEW	98-09-016	284-54	PREP	98-13-087
284-20-030	AMD-XA	98-13-093	284-36A-065	NEW-XA	98-04-085	284-54	PREP	98-13-089
284-20-040	AMD-XA	98-13-093	284-36A-065	NEW	98-09-016	284-58-010	AMD-XA	98-08-098
284-20-050	AMD-XA	98-13-093	284-43	AMD-C	98-02-063	284-58-010	AMD	98-13-094
284-20-070	REP-XA	98-13-093	284-43	AMD-C	98-03-004	284-58-020	AMD-XA	98-08-098
284-20-100	AMD-XA	98-13-093	284-43	AMD	98-04-005	284-58-020	AMD	98-13-094
284-20-200	AMD-XA	98-13-093	284-43	PREP	98-13-090	284-58-040	REP-XA	98-04-084
284-23	AMD-C	98-02-062	284-43-040	REP	98-04-005	284-58-040	REP	98-09-041
284-23	AMD-C	98-03-076	284-43-100	REP	98-04-005	284-58-050	REP-XA	98-04-084
284-23	AMD-C	98-07-062	284-43-110	NEW	98-04-005	284-58-050	REP	98-09-041
284-23-120	REP-XA	98-07-065	284-43-120	NEW	98-04-005	284-58-060	REP-XA	98-04-084
284-23-120	REP	98-11-088	284-43-130	NEW	98-04-005	284-58-060	REP	98-09-041
284-23-130	REP-XA	98-07-065	284-43-200	NEW	98-04-005	284-58-250	AMD-XA	98-08-098
284-23-130	REP	98-11-088	284-43-210	NEW	98-04-005	284-58-250	AMD	98-13-094
284-23-200	AMD-P	98-04-083	284-43-220	NEW	98-04-005	284-58-260	AMD-XA	98-08-098
284-23-200	AMD	98-11-003	284-43-250	NEW	98-04-005	284-58-260	AMD	98-13-094
284-23-210	AMD-P	98-04-083	284-43-300	NEW	98-04-005	284-58-270	REP-XA	98-08-098
284-23-210	AMD	98-11-003	284-43-310	NEW	98-04-005	284-58-270	REP	98-13-094
284-23-220	AMD-P	98-04-083	284-43-320	NEW	98-04-005	284-58-280	REP-XA	98-08-098
284-23-220	AMD	98-11-003	284-43-330	NEW	98-04-005	284-58-280	REP	98-13-094
284-23-230	AMD-P	98-04-083	284-43-340	NEW	98-04-005	284-60	PREP	98-13-087
284-23-230	AMD	98-11-003	284-43-400	NEW-W	98-10-082	284-66	PREP	98-13-088
284-23-235	NEW-P	98-04-083	284-43-410	NEW-W	98-10-082	284-74-010	AMD	98-05-069
284-23-235	NEW	98-11-003	284-43-420	NEW-W	98-10-082	284-74-020	NEW	98-05-069
284-23-240	AMD-P	98-04-083	284-43-610	NEW-W	98-10-082	286-04-010	AMD-P	98-04-079
284-23-240	AMD	98-11-003	284-43-620	NEW-W	98-10-082	286-04-010	AMD	98-08-014
284-23-250	AMD-P	98-04-083	284-43-630	NEW-W	98-10-082	286-04-060	AMD-P	98-04-079
284-23-250	AMD	98-11-003	284-43-640	NEW-W	98-10-082	286-04-060	AMD	98-08-014
284-23-260	REP-P	98-04-083	284-43-650	NEW-W	98-10-082	286-06-065	AMD-P	97-04-079
284-23-260	REP	98-11-003	284-43-700	NEW	98-04-005	286-06-065	AMD	98-08-014
284-23-270	REP-P	98-04-083	284-43-710	NEW	98-04-005	286-13-030	AMD-P	98-04-079
284-23-270	REP	98-11-003	284-43-720	NEW	98-04-005	286-13-030	AMD	98-08-014
284-23-380	REP-XA	98-07-065	284-43-730	NEW	98-04-005	286-13-040	AMD-P	98-04-079
284-23-380	REP	98-11-088	284-43-800	NEW	98-04-005	286-13-040	AMD	98-08-014
284-23-610	AMD	98-05-026	284-43-900	NEW	98-04-011	286-13-045	AMD-P	98-04-079
284-23-620	AMD	98-05-026	284-43-905	NEW	98-04-011	286-13-045	AMD	98-08-014
284-23-640	AMD	98-05-026	284-43-910	NEW	98-04-011	286-13-070	AMD-P	98-04-079
284-23-645	NEW	98-05-026	284-43-915	NEW	98-04-011	286-13-070	AMD	98-08-014
284-23-650	AMD	98-05-026	284-43-920	NEW	98-04-011	286-13-085	AMD-P	98-04-079
284-23-660	AMD	98-05-026	284-43-925	NEW	98-04-011	286-13-085	AMD	98-08-014
284-23-690	AMD	98-05-026	284-43-930	NEW	98-04-011	286-13-100	AMD-P	98-04-079
284-23-710	AMD	98-05-026	284-43-930	AMD-XA	98-07-105	286-13-100	AMD	98-08-014
284-23-730	AMD	98-05-026	284-43-930	AMD	98-11-089	286-26-020	AMD-P	98-04-079
284-24	PREP	98-05-102	284-43-935	NEW	98-04-011	286-26-020	AMD	98-08-014
284-24-005	NEW-P	98-13-092	284-43-940	NEW	98-04-011	286-26-110	AMD-P	98-04-079
284-24-015	AMD-P	98-13-092	284-43-945	NEW	98-04-011	286-26-110	AMD	98-08-014
284-24-060	AMD-P	98-13-092	284-43-950	NEW	98-04-011	286-27-040	AMD-P	98-04-079
284-24-062	NEW-P	98-13-092	284-43-955	NEW	98-04-011	286-27-040	AMD	98-08-014
284-24-065	PREP	98-04-081	284-44	REP-C	98-02-063	286-27-055	AMD-P	98-04-079
284-24-065	AMD-P	98-13-092	284-44	REP-C	98-03-004	286-27-055	AMD	98-08-014
284-24-070	AMD-P	98-13-092	284-44-100	REP	98-04-011	286-27-065	AMD-P	98-04-079
284-24-080	AMD-P	98-13-092	284-44-110	REP	98-04-011	286-27-065	AMD	98-08-014
284-24-100	AMD-P	98-13-092	284-44-120	REP	98-04-011	286-27-075	AMD-P	98-04-079
284-24-110	NEW-P	98-13-092	284-44-130	REP	98-04-011	286-27-075	AMD	98-08-014
284-28-001	REP-XA	98-07-065	284-44-140	REP	98-04-011	286-30-050	NEW-P	98-04-079
284-28-001	REP	98-11-088	284-44-150	REP	98-04-011	286-30-050	NEW	98-08-014
284-36A-010	AMD-XA	98-04-085	284-44-160	REP	98-04-011	286-35-060	AMD-P	98-04-079
284-36A-010	AMD	98-09-016	284-44-190	REP	98-04-011	286-35-060	AMD	98-08-014
284-36A-020	AMD-XA	98-04-085	284-44-200	REP	98-04-011	292-100	PREP	98-11-026
284-36A-020	AMD	98-09-016	284-44-210	REP	98-04-011	292-110-010	AMD	98-08-054
284-36A-025	AMD-XA	98-04-085	284-44-220	REP	98-04-011	292-110-050	NEW	98-03-045
284-36A-025	AMD	98-09-016	284-44-240	REP	98-04-005	292-110-060	NEW	98-04-001
284-36A-030	REP-XA	98-04-085	284-44-360	REP-XA	98-07-065	296-04	PREP	98-09-063
284-36A-030	REP	98-09-016	284-44-360	REP	98-11-088	296-04-001	REP-W	98-12-074
284-36A-040	NEW-XA	98-04-085	284-44-410	REP	98-04-005	296-04-005	REP-W	98-12-074
284-36A-040	NEW	98-09-016	284-46	REP-C	98-03-004	296-04-010	REP-W	98-12-074
284-36A-045	NEW-XA	98-04-085	284-46-020	REP	98-04-005	296-04-015	REP-W	98-12-074
284-36A-045	NEW	98-09-016	284-46-575	REP	98-04-005	296-04-040	REP-W	98-12-074
284-36A-050	NEW-XA	98-04-085	284-50	PREP	98-13-091	296-04-042	REP-W	98-12-074
284-36A-050	NEW	98-09-016	284-50-435	REP-XA	98-07-065	296-04-045	REP-W	98-12-074
284-36A-055	NEW-XA	98-04-085	284-50-435	REP	98-11-088	296-04-05001	REP-W	98-12-074
284-36A-055	NEW	98-09-016	284-51-180	REP-XA	98-04-084	296-04-060	REP-W	98-12-074

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-17-722	AMD-P	98-12-079	296-23-230	AMD-P	98-05-100	296-44-05119	REP	98-07-009
296-17-72201	NEW-P	98-12-079	296-23-230	AMD	98-09-125	296-44-05125	REP	98-07-009
296-17-72202	NEW-P	98-12-079	296-24	PREP	98-08-104	296-44-05129	REP	98-07-009
296-17-723	AMD-P	98-12-079	296-24	PREP	98-11-075	296-44-05131	REP	98-07-009
296-17-724	AMD-P	98-12-079	296-24	PREP	98-12-083	296-44-05135	REP	98-07-009
296-17-725	AMD-P	98-12-079	296-24-060	REP	98-06-061	296-44-05141	REP	98-07-009
296-17-726	AMD-P	98-12-079	296-24-061	NEW	98-06-061	296-44-065	REP	98-07-009
296-17-727	AMD-P	98-12-079	296-24-06105	NEW	98-06-061	296-44-06505	REP	98-07-009
296-17-729	AMD-P	98-12-079	296-24-06110	NEW	98-06-061	296-44-06511	REP	98-07-009
296-17-730	AMD-P	98-12-079	296-24-06115	NEW	98-06-061	296-44-06517	REP	98-07-009
296-17-73105	AMD-P	98-12-079	296-24-06120	NEW	98-06-061	296-44-074	REP	98-07-009
296-17-73106	AMD-P	98-12-079	296-24-06125	NEW	98-06-061	296-44-07405	REP	98-07-009
296-17-73107	AMD-P	98-12-079	296-24-06130	NEW	98-06-061	296-44-07411	REP	98-07-009
296-17-73108	AMD-P	98-12-079	296-24-06135	NEW	98-06-061	296-44-07417	REP	98-07-009
296-17-73111	AMD-P	98-12-079	296-24-06140	NEW	98-06-061	296-44-07423	REP	98-07-009
296-17-735	AMD-P	98-12-079	296-24-06145	NEW	98-06-061	296-44-07427	REP	98-07-009
296-17-736	AMD-P	98-12-079	296-24-06150	NEW	98-06-061	296-44-07433	REP	98-07-009
296-17-737	AMD-P	98-12-079	296-24-06155	NEW	98-06-061	296-44-07439	REP	98-07-009
296-17-738	AMD-P	98-12-079	296-24-06160	NEW	98-06-061	296-44-086	REP	98-07-009
296-17-739	AMD-P	98-12-079	296-24-065	REP	98-06-061	296-44-08605	REP	98-07-009
296-17-740	AMD-P	98-12-079	296-24-067	REP	98-06-061	296-44-08611	REP	98-07-009
296-17-741	AMD-P	98-12-079	296-24-070	REP	98-06-061	296-44-08619	REP	98-07-009
296-17-742	AMD-P	98-12-079	296-24-205	AMD	98-10-073	296-44-098	REP	98-07-009
296-17-743	AMD-P	98-12-079	296-24-20501	AMD	98-10-073	296-44-09805	REP	98-07-009
296-17-744	AMD-P	98-12-079	296-24-20503	AMD	98-10-073	296-44-09811	REP	98-07-009
296-17-745	AMD-P	98-12-079	296-24-20505	AMD	98-10-073	296-44-09819	REP	98-07-009
296-17-746	AMD-P	98-12-079	296-24-20507	AMD	98-10-073	296-44-09826	REP	98-07-009
296-17-747	AMD-P	98-12-079	296-24-20509	AMD	98-10-073	296-44-110	REP	98-07-009
296-17-748	AMD-P	98-12-079	296-24-20511	AMD	98-10-073	296-44-11005	REP	98-07-009
296-17-749	AMD-P	98-12-079	296-24-20513	AMD	98-10-073	296-44-11021	REP	98-07-009
296-17-750	AMD-P	98-12-079	296-24-20515	AMD	98-10-073	296-44-11029	REP	98-07-009
296-17-751	AMD-P	98-12-079	296-24-20517	AMD	98-10-073	296-44-11035	REP	98-07-009
296-17-752	AMD-P	98-12-079	296-24-20519	AMD	98-10-073	296-44-11041	REP	98-07-009
296-17-753	AMD-P	98-12-079	296-24-20521	AMD	98-10-073	296-44-125	REP	98-07-009
296-17-75301	AMD-P	98-12-079	296-24-20523	AMD	98-10-073	296-44-12505	REP	98-07-009
296-17-75303	NEW-P	98-12-079	296-24-20525	AMD	98-10-073	296-44-12515	REP	98-07-009
296-17-754	AMD-P	98-12-079	296-24-20527	AMD	98-10-073	296-44-134	REP	98-07-009
296-17-755	AMD-P	98-12-079	296-24-20529	AMD	98-10-073	296-44-13405	REP	98-07-009
296-17-756	AMD-P	98-12-079	296-24-20531	AMD	98-10-073	296-44-13415	REP	98-07-009
296-17-757	AMD-P	98-12-079	296-24-20533	AMD	98-10-073	296-44-13421	REP	98-07-009
296-17-758	AMD-P	98-12-079	296-27	PREP	98-12-081	296-44-13431	REP	98-07-009
296-17-759	AMD-P	98-12-079	296-30-050	REP-XR	98-08-100	296-44-170	REP	98-07-009
296-17-760	AMD-P	98-12-079	296-44-005	REP	98-07-009	296-44-17005	REP	98-07-009
296-17-761	AMD-P	98-12-079	296-44-010	REP	98-07-009	296-44-17017	REP	98-07-009
296-17-762	AMD-P	98-12-079	296-44-011	REP	98-07-009	296-44-17029	REP	98-07-009
296-17-76201	AMD-P	98-12-079	296-44-013	REP	98-07-009	296-44-182	REP	98-07-009
296-17-76202	AMD-P	98-12-079	296-44-015	REP	98-07-009	296-44-18205	REP	98-07-009
296-17-76203	AMD-P	98-12-079	296-44-016	REP	98-07-009	296-44-18225	REP	98-07-009
296-17-76204	AMD-P	98-12-079	296-44-017	REP	98-07-009	296-44-18239	REP	98-07-009
296-17-76205	AMD-P	98-12-079	296-44-023	REP	98-07-009	296-44-18250	REP	98-07-009
296-17-76206	AMD-P	98-12-079	296-44-02301	REP	98-07-009	296-44-18261	REP	98-07-009
296-17-76207	AMD-P	98-12-079	296-44-02305	REP	98-07-009	296-44-18273	REP	98-07-009
296-17-76208	AMD-P	98-12-079	296-44-02309	REP	98-07-009	296-44-194	REP	98-07-009
296-17-76209	AMD-P	98-12-079	296-44-02315	REP	98-07-009	296-44-19405	REP	98-07-009
296-17-76210	AMD-P	98-12-079	296-44-02319	REP	98-07-009	296-44-19421	REP	98-07-009
296-17-76211	AMD-P	98-12-079	296-44-02323	REP	98-07-009	296-44-19433	REP	98-07-009
296-17-76212	AMD-P	98-12-079	296-44-02329	REP	98-07-009	296-44-212	REP	98-07-009
296-17-763	AMD-P	98-12-079	296-44-02335	REP	98-07-009	296-44-21209	REP	98-07-009
296-17-764	AMD-P	98-12-079	296-44-02349	REP	98-07-009	296-44-21221	REP	98-07-009
296-17-765	AMD-P	98-12-079	296-44-025	REP	98-07-009	296-44-21230	REP	98-07-009
296-17-766	AMD-P	98-12-079	296-44-035	REP	98-07-009	296-44-21241	REP	98-07-009
296-17-772	AMD-P	98-12-079	296-44-03505	REP	98-07-009	296-44-21253	REP	98-07-009
296-17-773	AMD-P	98-12-079	296-44-03509	REP	98-07-009	296-44-21265	REP	98-07-009
296-17-777	AMD-P	98-12-079	296-44-041	REP	98-07-009	296-44-21273	REP	98-07-009
296-17-778	AMD-P	98-12-079	296-44-04105	REP	98-07-009	296-44-21279	REP	98-07-009
296-17-779	AMD-P	98-12-079	296-44-04109	REP	98-07-009	296-44-21287	REP	98-07-009
296-17-870	AMD-P	98-12-079	296-44-04125	REP	98-07-009	296-44-21295	REP	98-07-009
296-17-895	AMD-P	98-12-079	296-44-04129	REP	98-07-009	296-44-242	REP	98-07-009
296-20-03004	REP-XR	98-08-101	296-44-04135	REP	98-07-009	296-44-24205	REP	98-07-009
296-20-135	AMD-P	98-05-100	296-44-051	REP	98-07-009	296-44-24213	REP	98-07-009
296-20-135	AMD	98-09-125	296-44-05105	REP	98-07-009	296-44-24221	REP	98-07-009
296-23-220	AMD-P	98-05-100	296-44-05109	REP	98-07-009	296-44-24233	REP	98-07-009
296-23-220	AMD	98-09-125	296-44-05115	REP	98-07-009	296-44-263	REP	98-07-009

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-45-700	REP	98-07-009	296-86-075	REP	98-12-043	296-150C-1753	NEW-P	98-07-095
296-45-900	NEW	98-07-009	296-86-080	REP-P	98-07-094	296-150C-1754	NEW-P	98-07-095
296-45-901	NEW	98-07-009	296-86-080	REP	98-12-043	296-150C-1755	NEW-P	98-07-095
296-45-903	NEW	98-07-009	296-86-090	REP-P	98-07-094	296-150C-1756	NEW-P	98-07-095
296-45-905	NEW	98-07-009	296-86-090	REP	98-12-043	296-150C-1757	NEW-P	98-07-095
296-46	PREP	98-13-123	296-86A	PREP	98-13-124	296-150C-1758	NEW-P	98-07-095
296-46-100	NEW-P	98-07-097	296-86A-010	NEW-P	98-07-094	296-150C-1759	NEW-P	98-07-095
296-46-100	NEW	98-12-042	296-86A-010	NEW	98-12-043	296-150C-1760	NEW-P	98-07-095
296-46-140	AMD-P	98-07-097	296-86A-020	NEW-P	98-07-094	296-150C-3000	AMD-P	98-07-096
296-46-140	AMD	98-12-042	296-86A-020	NEW	98-12-043	296-150C-3000	AMD	98-12-041
296-46-155	NEW-P	98-07-097	296-86A-025	NEW-P	98-07-094	296-150F-0020	AMD-P	98-07-095
296-46-155	NEW	98-12-042	296-86A-025	NEW	98-12-043	296-150F-0130	NEW-P	98-07-095
296-46-21052	AMD-P	98-07-097	296-86A-028	NEW-P	98-07-094	296-150F-0200	AMD-P	98-07-095
296-46-21052	AMD	98-12-042	296-86A-028	NEW	98-12-043	296-150F-0210	AMD-P	98-07-095
296-46-225	AMD-P	98-07-097	296-86A-030	NEW-P	98-07-094	296-150F-0460	AMD-P	98-07-095
296-46-225	AMD	98-12-042	296-86A-030	NEW	98-12-043	296-150F-0500	AMD-P	98-07-095
296-46-23028	AMD-P	98-07-097	296-86A-040	NEW-P	98-07-094	296-150F-3000	AMD-P	98-07-096
296-46-23028	AMD	98-12-042	296-86A-040	NEW	98-12-043	296-150F-3000	AMD	98-12-041
296-46-30001	AMD-P	98-07-097	296-86A-060	NEW-P	98-07-094	296-150M-0020	AMD-P	98-07-095
296-46-30001	AMD	98-12-042	296-86A-060	NEW	98-12-043	296-150M-0306	NEW-P	98-07-095
296-46-348	AMD-P	98-07-097	296-86A-065	NEW-P	98-07-094	296-150M-0307	NEW-P	98-07-095
296-46-348	AMD	98-12-042	296-86A-065	NEW	98-12-043	296-150M-0310	AMD-P	98-07-095
296-46-495	AMD-P	98-07-097	296-86A-070	NEW-P	98-07-094	296-150M-0331	NEW-P	98-07-095
296-46-495	AMD	98-12-042	296-86A-070	NEW	98-12-043	296-150M-0400	AMD-P	98-07-095
296-46-50002	NEW-P	98-07-097	296-86A-073	NEW-P	98-07-094	296-150M-0600	AMD-P	98-07-095
296-46-50002	NEW	98-12-042	296-86A-073	NEW	98-12-043	296-150M-0610	AMD-P	98-07-095
296-46-770	AMD-P	98-07-097	296-86A-074	NEW-P	98-07-094	296-150M-0620	AMD-P	98-07-095
296-46-770	AMD	98-12-042	296-86A-074	NEW	98-12-043	296-150M-0640	AMD-P	98-07-095
296-46-910	AMD-P	98-07-097	296-86A-075	NEW-P	98-07-094	296-150M-0660	AMD-P	98-07-095
296-46-910	AMD	98-12-042	296-86A-075	NEW	98-12-043	296-150M-0700	REP-P	98-07-095
296-46-915	AMD-P	98-07-097	296-86A-080	NEW-P	98-07-094	296-150M-0710	REP-P	98-07-095
296-46-915	AMD	98-12-042	296-86A-080	NEW	98-12-043	296-150M-0730	REP-P	98-07-095
296-46-920	AMD-P	98-07-097	296-87	PREP	98-13-124	296-150M-3000	AMD-P	98-07-096
296-46-920	AMD	98-12-042	296-89	PREP	98-13-124	296-150M-3000	AMD	98-12-041
296-46-930	AMD-P	98-07-097	296-91	PREP	98-13-124	296-150P-3000	AMD-P	98-07-096
296-46-930	AMD	98-12-042	296-93A	PREP	98-13-124	296-150P-3000	AMD	98-12-041
296-46-940	AMD-P	98-07-097	296-94	PREP	98-13-124	296-150R-3000	AMD-P	98-07-096
296-46-940	AMD	98-12-042	296-95	PREP	98-13-124	296-150R-3000	AMD	98-12-041
296-52-489	AMD-XA	98-12-103	296-100	PREP	98-13-124	296-155	PREP	98-08-104
296-56	PREP	98-08-104	296-104	PREP	98-09-065	296-155-229	NEW-P	98-05-073
296-56	PREP	98-12-080	296-104-700	AMD-P	98-04-017	296-155-229	NEW	98-13-069
296-62	PREP	98-08-104	296-104-700	AMD	98-09-064	296-155-24525	AMD	98-05-046
296-62	PREP	98-12-082	296-124-010	REP-XR	98-07-093	296-155-330	AMD-P	98-05-073
296-62	PREP	98-12-084	296-124-020	REP-XR	98-07-093	296-155-330	AMD	98-13-069
296-62-07477	AMD-P	98-05-061	296-124-021	REP-XR	98-07-093	296-155-481	AMD	98-05-046
296-62-07477	AMD	98-10-029	296-124-022	REP-XR	98-07-093	296-155-482	NEW	98-05-046
296-62-07515	AMD-P	98-05-061	296-124-040	REP-XR	98-07-093	296-155-483	AMD	98-05-046
296-62-07515	AMD-E	98-10-028	296-124-050	REP-XR	98-07-093	296-155-484	NEW	98-05-046
296-62-07515	AMD	98-10-029	296-125	PREP	98-02-079	296-155-485	AMD	98-05-046
296-65	PREP	98-08-104	296-126-098	REP-XR	98-08-103	296-155-48503	REP	98-05-046
296-78	PREP	98-08-104	296-150C-0020	AMD-P	98-07-095	296-155-48504	REP	98-05-046
296-81	PREP	98-02-080	296-150C-0310	AMD-P	98-07-095	296-155-48505	REP	98-05-046
296-81	PREP	98-13-124	296-150C-0320	AMD-P	98-07-095	296-155-48506	REP	98-05-046
296-81-007	AMD-P	98-07-094	296-150C-0410	AMD-P	98-07-095	296-155-48507	REP	98-05-046
296-81-007	AMD	98-12-043	296-150C-0460	AMD-P	98-07-095	296-155-48508	REP	98-05-046
296-82	PREP	98-13-124	296-150C-0500	AMD-P	98-07-095	296-155-48509	REP	98-05-046
296-84	PREP	98-13-124	296-150C-0560	AMD-P	98-07-095	296-155-48510	REP	98-05-046
296-85	PREP	98-13-124	296-150C-0800	AMD-P	98-07-095	296-155-48511	REP	98-05-046
296-86-010	REP-P	98-07-094	296-150C-0820	AMD-P	98-07-095	296-155-48512	REP	98-05-046
296-86-010	REP	98-12-043	296-150C-0960	AMD-P	98-07-095	296-155-48513	REP	98-05-046
296-86-020	REP-P	98-07-094	296-150C-0980	REP-P	98-07-095	296-155-48514	REP	98-05-046
296-86-020	REP	98-12-043	296-150C-1080	AMD-P	98-07-095	296-155-48515	REP	98-05-046
296-86-030	REP-P	98-07-094	296-150C-1170	AMD-P	98-07-095	296-155-48516	REP	98-05-046
296-86-030	REP	98-12-043	296-150C-1303	NEW-P	98-07-095	296-155-48517	REP	98-05-046
296-86-040	REP-P	98-07-094	296-150C-1580	AMD-P	98-07-095	296-155-48518	REP	98-05-046
296-86-040	REP	98-12-043	296-150C-1590	AMD-P	98-07-095	296-155-48519	REP	98-05-046
296-86-050	REP-P	98-07-094	296-150C-1600	AMD-P	98-07-095	296-155-48525	REP	98-05-046
296-86-050	REP	98-12-043	296-150C-1720	AMD-P	98-07-095	296-155-48525	REP	98-05-046
296-86-060	REP-P	98-07-094	296-150C-1730	AMD-P	98-07-095	296-155-48527	REP	98-05-046
296-86-060	REP	98-12-043	296-150C-1740	AMD-P	98-07-095	296-155-48529	REP	98-05-046
296-86-070	REP-P	98-07-094	296-150C-1750	NEW-P	98-07-095	296-155-48531	REP	98-05-046
296-86-070	REP	98-12-043	296-150C-1751	NEW-P	98-07-095	296-155-48533	REP	98-05-046
296-86-075	REP-P	98-07-094	296-150C-1752	NEW-P	98-07-095	296-155-48536	REP	98-05-046

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-155-487	NEW	98-05-046	296-401-110	REP	98-12-042	296-401A-550	NEW	98-12-042
296-155-488	NEW	98-05-046	296-401-120	REP-P	98-07-097	296-401A-600	NEW-P	98-07-097
296-155-489	NEW	98-05-046	296-401-120	REP	98-12-042	296-401A-600	NEW	98-12-042
296-155-490	NEW	98-05-046	296-401-150	REP-P	98-07-097	296-401A-610	NEW-P	98-07-097
296-155-493	NEW	98-05-046	296-401-150	REP	98-12-042	296-401A-610	NEW	98-12-042
296-155-494	NEW	98-05-046	296-401-160	REP-P	98-07-097	296-401A-620	NEW-P	98-07-097
296-155-496	NEW	98-05-046	296-401-160	REP	98-12-042	296-401A-620	NEW	98-12-042
296-155-497	NEW	98-05-046	296-401-163	REP-P	98-07-097	296-401A-630	NEW-P	98-07-097
296-155-498	NEW	98-05-046	296-401-163	REP	98-12-042	296-401A-630	NEW	98-12-042
296-155-528	NEW	98-05-046	296-401-165	REP-P	98-07-097	296-401A-700	NEW-P	98-07-097
296-155-605	AMD	98-05-046	296-401-165	REP	98-12-042	296-401A-700	NEW	98-12-042
296-155-615	AMD	98-05-046	296-401-168	REP-P	98-07-097	296-401A-800	NEW-P	98-07-097
296-155-683	AMD	98-05-046	296-401-168	REP	98-12-042	296-401A-800	NEW	98-12-042
296-155-688	AMD	98-05-046	296-401-170	REP-P	98-07-097	296-401A-810	NEW-P	98-07-097
296-155-689	AMD	98-05-046	296-401-170	REP	98-12-042	296-401A-810	NEW	98-12-042
296-155-700	AMD	98-05-046	296-401-175	REP-P	98-07-097	296-401A-900	NEW-P	98-07-097
296-155-730	AMD	98-05-046	296-401-175	REP	98-12-042	296-401A-900	NEW	98-12-042
296-200A-900	AMD-P	98-07-096	296-401-180	REP-P	98-07-097	296-401A-910	NEW-P	98-07-097
296-200A-900	AMD	98-12-041	296-401-180	REP	98-12-042	296-401A-910	NEW	98-12-042
296-301-020	AMD	98-10-073	296-401A	PREP	98-13-123	296-401A-920	NEW-P	98-07-097
296-305	PREP	98-11-075	296-401A-100	NEW-P	98-07-097	296-401A-920	NEW	98-12-042
296-307	PREP	98-04-094	296-401A-100	NEW	98-12-042	296-401A-930	NEW-P	98-07-097
296-307	PREP	98-10-035	296-401A-105	NEW-P	98-07-097	296-401A-930	NEW	98-12-042
296-400A	PREP	98-06-043	296-401A-105	NEW	98-12-042	296-401A-935	NEW-P	98-07-097
296-400A-005	AMD-P	98-09-124	296-401A-110	NEW-P	98-07-097	296-401A-935	NEW	98-12-042
296-400A-005	AMD	98-13-126	296-401A-110	NEW	98-12-042	308-04-010	PREP	98-03-023
296-400A-021	NEW-P	98-09-124	296-401A-120	NEW-P	98-07-097	308-04-010	AMD-P	98-06-080
296-400A-021	NEW	98-13-126	296-401A-120	NEW	98-12-042	308-04-010	AMD-W	98-07-018
296-400A-025	NEW-P	98-09-124	296-401A-130	NEW-P	98-07-097	308-04-020	PREP	98-03-023
296-400A-025	NEW	98-13-126	296-401A-130	NEW	98-12-042	308-04-020	AMD-P	98-06-080
296-400A-026	NEW-P	98-09-124	296-401A-140	NEW-P	98-07-097	308-04-020	AMD-W	98-07-018
296-400A-026	NEW	98-13-126	296-401A-140	NEW	98-12-042	308-11-010	REP-P	98-13-027
296-400A-027	NEW-P	98-09-124	296-401A-150	NEW-P	98-07-097	308-11-030	AMD-P	98-13-027
296-400A-027	NEW	98-13-126	296-401A-150	NEW	98-12-042	308-11-035	AMD-P	98-13-027
296-400A-030	AMD-P	98-09-124	296-401A-160	NEW-P	98-07-097	308-11-050	AMD-P	98-13-027
296-400A-030	AMD	98-13-126	296-401A-160	NEW	98-12-042	308-11-120	AMD-P	98-13-027
296-400A-031	AMD-P	98-09-124	296-401A-200	NEW-P	98-07-097	308-11-130	AMD-P	98-13-027
296-400A-031	AMD	98-13-126	296-401A-200	NEW	98-12-042	308-12-025	PREP	98-06-047
296-400A-035	AMD-P	98-09-124	296-401A-210	NEW-P	98-07-097	308-12-326	PREP	98-05-012
296-400A-035	AMD	98-13-126	296-401A-210	NEW	98-12-042	308-12-326	AMD-P	98-09-057
296-400A-045	AMD-P	98-07-096	296-401A-220	NEW-P	98-07-097	308-12-326	AMD	98-12-064
296-400A-045	AMD-P	98-09-124	296-401A-220	NEW	98-12-042	308-14-200	AMD-P	98-13-026
296-400A-045	AMD	98-12-041	296-401A-230	NEW-P	98-07-097	308-33-011	AMD-P	98-13-028
296-400A-045	AMD	98-13-126	296-401A-230	NEW	98-12-042	308-33-020	REP-P	98-13-028
296-400A-070	AMD-P	98-09-124	296-401A-300	NEW-P	98-07-097	308-33-030	AMD-P	98-13-028
296-400A-070	AMD	98-13-126	296-401A-300	NEW	98-12-042	308-33-060	AMD-P	98-13-028
296-400A-110	AMD-P	98-09-124	296-401A-310	NEW-P	98-07-097	308-33-071	AMD-P	98-13-028
296-400A-110	AMD	98-13-126	296-401A-310	NEW	98-12-042	308-33-080	REP-P	98-13-028
296-400A-120	AMD-P	98-09-124	296-401A-320	NEW-P	98-07-097	308-33-090	AMD-P	98-13-028
296-400A-120	AMD	98-13-126	296-401A-320	NEW	98-12-042	308-33-095	AMD-P	98-13-028
296-400A-140	AMD-P	98-09-124	296-401A-400	NEW-P	98-07-097	308-33-105	AMD-P	98-13-028
296-400A-140	AMD	98-13-126	296-401A-400	NEW	98-12-042	308-56A-005	PREP	98-03-024
296-400A-300	AMD-P	98-09-124	296-401A-410	NEW-P	98-07-097	308-56A-005	REP-P	98-08-049
296-400A-300	AMD	98-13-126	296-401A-410	NEW	98-12-042	308-56A-010	PREP	98-03-024
296-401-020	REP-P	98-07-097	296-401A-420	NEW-P	98-07-097	308-56A-010	AMD-P	98-08-049
296-401-020	REP	98-12-042	296-401A-420	NEW	98-12-042	308-56A-010	AMD	98-12-099
296-401-030	REP-P	98-07-097	296-401A-430	NEW-P	98-07-097	308-56A-015	PREP	98-03-024
296-401-030	REP	98-12-042	296-401A-430	NEW	98-12-042	308-56A-015	AMD-P	98-08-049
296-401-060	REP-P	98-07-097	296-401A-500	NEW-P	98-07-097	308-56A-015	AMD	98-12-099
296-401-060	REP	98-12-042	296-401A-500	NEW	98-12-042	308-56A-020	PREP	98-03-024
296-401-075	REP-P	98-07-097	296-401A-510	NEW-P	98-07-097	308-56A-020	AMD-P	98-08-049
296-401-075	REP	98-12-042	296-401A-510	NEW	98-12-042	308-56A-020	AMD	98-12-099
296-401-080	REP-P	98-07-097	296-401A-520	NEW-P	98-07-097	308-56A-021	PREP	98-03-024
296-401-080	REP	98-12-042	296-401A-520	NEW	98-12-042	308-56A-021	AMD-P	98-08-049
296-401-085	REP-P	98-07-097	296-401A-524	NEW-P	98-07-097	308-56A-021	AMD	98-12-099
296-401-085	REP	98-12-042	296-401A-524	NEW	98-12-042	308-56A-022	PREP	98-03-024
296-401-087	REP-P	98-07-097	296-401A-530	NEW-P	98-07-097	308-56A-022	AMD-P	98-08-049
296-401-087	REP	98-12-042	296-401A-530	NEW	98-12-042	308-56A-022	AMD	98-12-099
296-401-090	REP-P	98-07-097	296-401A-540	NEW-P	98-07-097	308-56A-023	PREP	98-03-024
296-401-090	REP	98-12-042	296-401A-540	NEW	98-12-042	308-56A-023	AMD-P	98-08-049
296-401-100	REP-P	98-07-097	296-401A-545	NEW-P	98-07-097	308-56A-023	AMD	98-12-099
296-401-100	REP	98-12-042	296-401A-545	NEW	98-12-042	308-56A-080	PREP	98-03-024
296-401-110	REP-P	98-07-097	296-401A-550	NEW-P	98-07-097			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-56A-080	REP-P	98-08-049	308-93-430	REP	98-09-023	308-96A-260	PREP	98-03-021
308-56A-080	REP	98-12-099	308-93-440	AMD-P	98-05-068	308-96A-295	PREP	98-03-021
308-56A-085	PREP	98-03-024	308-93-440	AMD	98-09-023	308-96A-300	PREP	98-03-021
308-56A-085	REP-P	98-08-049	308-93-450	AMD-P	98-05-068	308-96A-306	PREP	98-09-038
308-56A-085	REP	98-12-099	308-93-450	AMD	98-09-023	308-96A-310	PREP	98-09-038
308-56A-090	PREP	98-03-024	308-93-460	AMD-P	98-05-068	308-96A-315	PREP	98-09-038
308-56A-090	AMD-P	98-08-049	308-93-460	AMD	98-09-023	308-96A-320	PREP	98-09-038
308-56A-090	AMD	98-12-099	308-93-470	AMD-P	98-05-068	308-96A-325	PREP	98-09-038
308-66	PREP	98-10-071	308-93-470	AMD	98-09-023	308-96A-330	PREP	98-09-038
308-72	PREP	98-13-003	308-93-480	REP-P	98-05-068	308-96A-335	PREP	98-09-038
308-77	PREP	98-13-003	308-93-480	REP	98-09-023	308-96A-340	AMD-P	98-04-014
308-93-010	AMD-E	98-09-001	308-93-620	PREP	98-03-026	308-96A-340	AMD-W	98-13-043
308-93-010	AMD-P	98-13-044	308-93-620	AMD-P	98-13-044	308-96A-341	NEW-P	98-04-014
308-93-050	AMD-E	98-09-001	308-93-630	PREP	98-03-026	308-96A-341	NEW-W	98-13-043
308-93-050	AMD-P	98-13-044	308-93-630	REP-P	98-13-044	308-124	PREP	98-13-071
308-93-055	NEW-E	98-09-001	308-93-640	PREP	98-03-026	308-124-001	PREP	98-13-071
308-93-055	NEW-P	98-13-044	308-93-640	AMD-E	98-09-001	308-124-005	PREP	98-13-071
308-93-056	NEW-E	98-09-001	308-93-640	AMD-P	98-13-044	308-124-007	PREP	98-13-071
308-93-056	NEW-P	98-13-044	308-94-030	AMD-P	98-04-072	308-124-021	PREP	98-13-071
308-93-060	PREP	98-03-026	308-94-030	AMD	98-08-070	308-124A-010	PREP	98-13-071
308-93-060	AMD-P	98-13-044	308-94-040	REP-P	98-04-072	308-124A-200	PREP	98-13-071
308-93-069	NEW-P	98-13-044	308-94-040	REP	98-08-070	308-124A-460	PREP	98-13-071
308-93-070	PREP	98-03-026	308-94-050	AMD-P	98-04-072	308-124B-120	PREP	98-13-071
308-93-070	AMD-P	98-13-044	308-94-050	AMD	98-08-070	308-124B-140	PREP	98-13-071
308-93-071	PREP	98-03-026	308-94-070	REP-P	98-04-072	308-124B-150	PREP	98-13-071
308-93-071	AMD-P	98-13-044	308-94-070	REP	98-08-070	308-124C-010	PREP	98-13-071
308-93-073	PREP	98-03-026	308-94-080	AMD-P	98-04-072	308-124F-010	PREP	98-13-071
308-93-073	AMD-P	98-13-044	308-94-080	AMD	98-08-070	308-124F-020	PREP	98-13-071
308-93-074	PREP	98-03-026	308-94-090	REP-P	98-04-072	308-124F-030	PREP	98-13-071
308-93-074	REP-P	98-13-044	308-94-090	REP	98-08-070	308-125-120	AMD-P	98-12-066
308-93-075	PREP	98-03-026	308-94-100	AMD-P	98-04-072	308-125-200	AMD-E	98-10-064
308-93-075	REP-P	98-13-044	308-94-100	AMD	98-08-070	308-125-200	AMD-P	98-12-065
308-93-078	PREP	98-03-026	308-94-110	REP-P	98-04-072	308-170-040	REP-XR	98-07-020
308-93-078	AMD-P	98-13-044	308-94-110	REP	98-08-070	308-170-040	REP	98-13-045
308-93-079	PREP	98-03-026	308-96A-005	PREP	98-03-021	308-170-050	REP-XR	98-07-020
308-93-080	PREP	98-03-026	308-96A-010	PREP	98-03-021	308-170-050	REP	98-13-045
308-93-080	REP-P	98-13-044	308-96A-015	PREP	98-03-021	308-300-310	REP	98-03-055
308-93-085	PREP	98-03-026	308-96A-021	PREP	98-03-021	308-312-010	NEW	98-03-055
308-93-085	REP-P	98-13-044	308-96A-025	PREP	98-03-021	308-312-020	NEW	98-03-055
308-93-110	PREP	98-03-027	308-96A-026	PREP	98-03-021	308-312-030	NEW	98-03-055
308-93-120	PREP	98-03-027	308-96A-035	PREP	98-03-021	308-312-040	NEW	98-03-055
308-93-180	PREP	98-03-027	308-96A-040	PREP	98-03-021	308-312-050	NEW	98-03-055
308-93-190	PREP	98-03-027	308-96A-065	AMD-P	98-04-071	308-312-060	NEW	98-03-055
308-93-200	PREP	98-03-027	308-96A-065	AMD	98-09-024	308-312-080	NEW	98-03-055
308-93-210	PREP	98-03-027	308-96A-066	AMD-P	98-04-071	308-312-090	NEW-W	98-03-054
308-93-215	PREP	98-03-027	308-96A-066	AMD	98-09-024	308-312-100	NEW	98-03-055
308-93-220	PREP	98-03-027	308-96A-067	NEW-P	98-04-071	308-420-240	AMD-P	98-13-070
308-93-230	PREP	98-03-027	308-96A-067	NEW	98-09-024	314-12-005	NEW-P	98-09-060
308-93-241	PREP	98-03-025	308-96A-068	NEW-P	98-04-071	314-12-025	AMD-XA	98-12-090
308-93-241	AMD-P	98-12-072	308-96A-068	NEW	98-09-024	314-12-130	AMD-XA	98-12-090
308-93-242	PREP	98-03-025	308-96A-070	AMD-P	98-04-071	314-12-135	AMD-XA	98-12-090
308-93-242	AMD-P	98-12-072	308-96A-070	AMD	98-09-024	314-12-140	AMD-XA	98-12-090
308-93-243	PREP	98-03-025	308-96A-071	AMD-P	98-04-071	314-12-141	AMD-XA	98-12-090
308-93-243	AMD-P	98-12-072	308-96A-071	AMD	98-09-024	314-12-145	AMD-XA	98-12-090
308-93-244	PREP	98-03-025	308-96A-073	AMD-P	98-04-071	314-12-170	PREP	98-12-088
308-93-244	AMD-P	98-12-072	308-96A-073	AMD	98-09-024	314-12-200	NEW-P	98-05-103
308-93-245	PREP	98-03-025	308-96A-074	AMD-P	98-04-071	314-14-160	PREP	98-12-089
308-93-245	AMD-P	98-12-072	308-96A-074	AMD	98-09-024	314-15-010	AMD-XA	98-12-090
308-93-285	PREP	98-03-026	308-96A-080	PREP	98-03-022	314-15-020	AMD-XA	98-12-090
308-93-285	AMD-P	98-13-044	308-96A-080	AMD-P	98-12-073	314-15-030	AMD-XA	98-12-090
308-93-290	PREP	98-03-027	308-96A-085	PREP	98-03-022	314-15-040	AMD-XA	98-12-090
308-93-295	PREP	98-03-027	308-96A-085	AMD-P	98-12-073	314-15-050	AMD-XA	98-12-090
308-93-300	PREP	98-03-026	308-96A-090	PREP	98-03-022	314-16-020	AMD-XA	98-12-090
308-93-300	REP-P	98-13-044	308-96A-090	AMD-P	98-12-073	314-16-025	AMD-XA	98-12-090
308-93-330	PREP	98-03-026	308-96A-095	PREP	98-03-022	314-16-040	AMD-XA	98-12-090
308-93-330	REP-P	98-13-044	308-96A-095	AMD-P	98-12-073	314-16-050	AMD-XA	98-12-090
308-93-350	PREP	98-03-026	308-96A-097	PREP	98-03-022	314-16-070	AMD-XA	98-12-090
308-93-350	AMD-P	98-13-044	308-96A-097	AMD-P	98-12-073	314-16-075	AMD-XA	98-12-090
308-93-360	PREP	98-03-026	308-96A-175	AMD-P	98-04-071	314-16-090	AMD-XA	98-12-090
308-93-360	AMD-P	98-13-044	308-96A-175	AMD	98-09-024	314-16-110	AMD-XA	98-12-090
308-93-420	PREP	98-03-026	308-96A-176	AMD-P	98-04-071	314-16-115	AMD-XA	98-12-090
308-93-420	REP-P	98-13-044	308-96A-176	AMD	98-09-024	314-16-150	AMD-XA	98-12-090
308-93-430	REP-P	98-05-068	308-96A-180	PREP	98-03-021	314-16-160	AMD-XA	98-12-090

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
314-16-190	AMD-XA	98-12-090	314-70-030	AMD-XA	98-12-090	315-11A-154	REP-XR	98-07-090
314-16-195	AMD-XA	98-12-090	314-70-040	AMD-XA	98-12-090	315-11A-154	REP	98-13-018
314-16-196	AMD-XA	98-12-090	314-70-080	AMD-XA	98-12-090	315-11A-155	REP-XR	98-07-090
314-16-197	AMD-XA	98-12-090	315-02-030	AMD-P	98-04-073	315-11A-155	REP	98-13-018
314-16-199	AMD-XA	98-12-090	315-02-030	AMD	98-08-067	315-11A-156	REP-XR	98-07-090
314-16-200	AMD-XA	98-12-090	315-02-040	AMD-P	98-04-073	315-11A-157	REP-XR	98-07-090
314-16-205	AMD-XA	98-12-090	315-02-040	AMD	98-08-067	315-11A-157	REP	98-13-018
314-16-210	AMD-XA	98-12-090	315-02-060	AMD-P	98-04-073	315-11A-158	REP-XR	98-07-090
314-16-220	REP-XA	98-12-090	315-02-060	AMD	98-08-067	315-11A-158	REP	98-13-018
314-16-230	AMD-XA	98-12-090	315-02-070	AMD-P	98-04-073	315-11A-159	REP-XR	98-07-090
314-16-240	AMD-XA	98-12-090	315-02-070	AMD	98-08-067	315-11A-159	REP	98-13-018
314-16-250	AMD-XA	98-12-090	315-02-080	AMD-P	98-04-073	315-11A-160	REP-XR	98-07-090
314-18-030	AMD-XA	98-12-090	315-02-080	AMD	98-08-067	315-11A-160	REP	98-13-018
314-18-040	AMD-XA	98-12-090	315-02-170	REP-P	98-04-073	315-11A-161	REP-XR	98-07-090
314-18-060	AMD-XA	98-12-090	315-02-170	REP	98-08-067	315-11A-161	REP	98-13-018
314-20-005	AMD-XA	98-12-090	315-02-180	REP-P	98-04-073	315-11A-162	REP-XR	98-07-090
314-20-010	AMD-XA	98-12-090	315-02-180	REP	98-08-067	315-11A-162	REP	98-13-018
314-20-015	AMD-XA	98-12-090	315-02-220	AMD-P	98-04-073	315-11A-163	REP-XR	98-07-090
314-20-020	AMD-XA	98-12-090	315-02-220	AMD	98-08-067	315-11A-163	REP	98-13-018
314-20-030	AMD-XA	98-12-090	315-04	PREP	98-12-033	315-11A-164	REP-XR	98-07-090
314-20-050	AMD-XA	98-12-090	315-04-180	AMD-P	98-08-065	315-11A-164	REP	98-13-018
314-20-060	AMD-XA	98-12-090	315-04-180	AMD	98-11-091	315-11A-207	AMD	98-03-075
314-20-070	AMD-XA	98-12-090	315-06-123	PREP	98-03-074	315-11A-215	NEW	98-03-075
314-20-080	AMD-XA	98-12-090	315-06-123	AMD-P	98-09-103	315-11A-216	NEW	98-03-075
314-20-090	AMD-XA	98-12-090	315-10	PREP	98-07-089	315-11A-217	NEW	98-03-075
314-20-100	AMD-XA	98-12-090	315-10	PREP	98-08-066	315-30	PREP	98-07-089
314-20-105	AMD-XA	98-12-090	315-10-010	AMD-P	98-04-073	315-30	PREP	98-12-033
314-22-010	REP-XA	98-12-090	315-10-010	AMD	98-08-067	315-33A-060	PREP	98-09-102
314-24	AMD-XA	98-12-090	315-10-020	AMD-P	98-04-073	315-34-055	AMD-P	98-05-070
314-24-006	AMD-XA	98-12-090	315-10-020	AMD	98-08-067	315-34-055	AMD	98-08-063
314-24-040	AMD-XA	98-12-090	315-10-023	NEW-P	98-04-073	315-34-060	PREP	98-09-102
314-24-080	AMD-XA	98-12-090	315-10-023	NEW	98-08-067	315-36-010	NEW-P	98-04-073
314-24-095	AMD-XA	98-12-090	315-10-024	NEW-P	98-04-073	315-36-010	NEW-C	98-08-064
314-24-105	AMD-XA	98-12-090	315-10-024	NEW	98-08-067	315-36-010	NEW-S	98-12-093
314-24-110	AMD-XA	98-12-090	315-10-025	AMD-P	98-04-073	315-36-020	NEW-P	98-04-073
314-24-120	AMD-XA	98-12-090	315-10-025	AMD	98-08-067	315-36-020	NEW-C	98-08-064
314-24-130	AMD-XA	98-12-090	315-10-030	AMD-P	98-04-073	315-36-020	NEW-S	98-12-093
314-24-140	AMD-XA	98-12-090	315-10-030	AMD	98-08-067	315-36-030	NEW-P	98-04-073
314-24-150	AMD-XA	98-12-090	315-11A	PREP	98-08-066	315-36-030	NEW-C	98-08-064
314-24-160	AMD-XA	98-12-090	315-11A-137	REP-XR	98-07-090	315-36-030	NEW-S	98-12-093
314-24-170	AMD-XA	98-12-090	315-11A-137	REP	98-13-018	315-36-040	NEW-P	98-04-073
314-24-180	AMD-XA	98-12-090	315-11A-138	REP-XR	98-07-090	315-36-040	NEW-C	98-08-064
314-24-190	AMD-XA	98-12-090	315-11A-138	REP	98-13-018	315-36-040	NEW-S	98-12-093
314-24-200	AMD-XA	98-12-090	315-11A-139	REP-XR	98-07-090	315-36-050	NEW-P	98-04-073
314-24-210	AMD-XA	98-12-090	315-11A-139	REP	98-13-018	315-36-050	NEW-C	98-08-064
314-24-220	AMD-XA	98-12-090	315-11A-140	REP-XR	98-07-090	315-36-050	NEW-S	98-12-093
314-24-230	AMD-XA	98-12-090	315-11A-140	REP	98-13-018	315-36-060	NEW-P	98-04-073
314-24-250	AMD-XA	98-12-090	315-11A-141	REP-XR	98-07-090	315-36-060	NEW-C	98-08-064
314-25-010	AMD-XA	98-12-090	315-11A-141	REP	98-13-018	315-36-060	NEW-S	98-12-093
314-25-020	AMD-XA	98-12-090	315-11A-142	REP-XR	98-07-090	315-36-070	NEW-P	98-04-073
314-25-030	AMD-XA	98-12-090	315-11A-142	REP	98-13-018	315-36-070	NEW-C	98-08-064
314-25-040	AMD-XA	98-12-090	315-11A-143	REP-XR	98-07-090	315-36-070	NEW-S	98-12-093
314-26-010	AMD-XA	98-12-090	315-11A-143	REP	98-13-018	315-36-080	NEW-P	98-04-073
314-27-010	AMD-XA	98-12-090	315-11A-144	REP-XR	98-07-090	315-36-080	NEW-C	98-08-064
314-30-010	AMD-XA	98-12-090	315-11A-144	REP	98-13-018	315-36-080	NEW-S	98-12-093
314-37-010	AMD-XA	98-12-090	315-11A-145	REP-XR	98-07-090	315-36-090	NEW-P	98-04-073
314-44-005	AMD-XA	98-12-090	315-11A-145	REP	98-13-018	315-36-090	NEW-C	98-08-064
314-45-010	AMD-XA	98-12-090	315-11A-146	REP-XR	98-07-090	315-36-090	NEW-S	98-12-093
314-52-005	AMD-XA	98-12-090	315-11A-146	REP	98-13-018	315-36-100	NEW-P	98-04-073
314-52-010	AMD-XA	98-12-090	315-11A-147	REP-XR	98-07-090	315-36-100	NEW-C	98-08-064
314-52-040	AMD-XA	98-12-090	315-11A-147	REP	98-13-018	315-36-100	NEW-S	98-12-093
314-52-070	AMD-XA	98-12-090	315-11A-148	REP-XR	98-07-090	315-36-110	NEW-P	98-04-073
314-52-080	AMD-XA	98-12-090	315-11A-148	REP	98-13-018	315-36-110	NEW-C	98-08-064
314-52-085	AMD-XA	98-12-090	315-11A-149	REP-XR	98-07-090	315-36-110	NEW-S	98-12-093
314-52-090	AMD-XA	98-12-090	315-11A-149	REP	98-13-018	315-36-120	NEW-P	98-04-073
314-52-110	AMD-XA	98-12-090	315-11A-150	REP-XR	98-07-090	315-36-120	NEW-C	98-08-064
314-52-113	AMD-XA	98-12-090	315-11A-150	REP	98-13-018	315-36-120	NEW-S	98-12-093
314-52-115	AMD-XA	98-12-090	315-11A-151	REP-XR	98-07-090	315-36-130	NEW-P	98-04-073
314-60-040	AMD-P	98-09-061	315-11A-151	REP	98-13-018	315-36-130	NEW-C	98-08-064
314-64-08001	NEW-P	98-02-069	315-11A-152	REP-XR	98-07-090	315-36-130	NEW-S	98-12-093
314-64-08001	NEW	98-08-041	315-11A-152	REP	98-13-018	315-36-140	NEW-P	98-04-073
314-70-010	AMD-XA	98-12-090	315-11A-153	REP-XR	98-07-090	315-36-140	NEW-C	98-08-064
314-70-020	AMD-XA	98-12-090	315-11A-153	REP	98-13-018	315-36-140	NEW-S	98-12-093

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
315-36-150	NEW-P	98-04-073	352-76-080	AMD-P	98-03-090	388-14-530	NEW-P	98-13-081
315-36-150	NEW-C	98-08-064	352-76-080	AMD	98-07-021	388-14-540	NEW-P	98-13-081
315-36-150	NEW-S	98-12-093	356-05-390	AMD	98-06-012	388-14-550	NEW-P	98-13-081
317-01-010	REP	98-03-073	356-06-120	NEW-C	98-06-014	388-14-560	NEW-P	98-13-081
317-01-020	REP	98-03-073	356-06-120	NEW	98-08-024	388-14-570	NEW-P	98-13-081
317-01-030	REP	98-03-073	356-15-060	AMD	98-03-052	388-15-030	REP-P	98-03-082
317-02-010	REP	98-03-073	356-15-060	AMD-P	98-06-062	388-15-030	REP	98-07-041
317-02-020	REP	98-03-073	356-15-060	AMD	98-09-066	388-15-177	PREP	98-13-079
317-02-030	REP	98-03-073	356-18-075	NEW-P	98-10-121	388-15-194	PREP	98-07-051
317-02-040	REP	98-03-073	356-18-075	NEW-E	98-13-056	388-15-201	NEW	98-04-026
317-02-050	REP	98-03-073	356-18-075	NEW	98-13-057	388-15-201	AMD-E	98-09-042
317-02-060	REP	98-03-073	356-26-110	AMD-P	98-10-122	388-15-201	PREP	98-11-032
317-02-070	REP	98-03-073	356-26-110	AMD-C	98-13-059	388-15-202	PREP	98-11-031
317-02-080	REP	98-03-073	356-30-260	AMD-E	98-13-055	388-15-207	PREP	98-11-031
317-02-090	REP	98-03-073	363-116-082	PREP	98-10-092	388-15-209	AMD	98-04-026
317-02-100	REP	98-03-073	363-116-185	AMD-P	98-10-093	388-15-209	AMD-E	98-09-042
317-02-110	REP	98-03-073	363-116-300	AMD-P	98-08-071	388-15-209	PREP	98-11-032
317-02-120	REP	98-03-073	363-116-300	AMD	98-12-008	388-15-214	PREP	98-11-031
317-03-010	REP	98-03-073	365-06-010	REP	98-05-027	388-15-215	PREP	98-11-031
317-03-020	REP	98-03-073	365-06-020	REP	98-05-027	388-15-215	REP-W	98-13-077
326-02-034	AMD	98-13-075	365-60-010	REP	98-05-027	388-15-216	REP-XR	98-08-073
326-07-100	AMD	98-13-007	365-60-020	REP	98-05-027	388-15-216	PREP	98-11-032
326-30-041	PREP	98-11-093	365-110	PREP	98-09-096	388-15-219	PREP	98-11-031
332-24-205	AMD	98-11-047	372-32-010	REP-XR	98-08-060	388-15-222	AMD	98-04-026
332-24-221	AMD-P	98-09-046	372-32-010	REP	98-13-050	388-15-222	AMD-E	98-09-042
332-24-221	AMD	98-13-068	381-10-120	AMD-XA	98-09-047	388-15-222	PREP	98-11-032
352-32-010	AMD	98-04-065	381-10-120	AMD-W	98-11-071	388-15-300	REP	98-02-058
352-32-01001	NEW	98-04-065	381-10-120	AMD-XA	98-11-072	388-15-310	REP	98-02-058
352-32-030	AMD	98-04-065	381-10-170	AMD-XA	98-09-047	388-15-320	REP	98-02-058
352-32-037	AMD	98-04-065	381-10-170	AMD-W	98-11-071	388-15-330	REP	98-02-058
352-32-045	AMD	98-04-065	381-10-170	AMD-XA	98-11-072	388-15-600	PREP	98-11-031
352-32-047	AMD	98-04-065	381-20-050	AMD-XA	98-09-047	388-15-610	AMD	98-04-026
352-32-075	AMD	98-04-065	381-20-050	AMD-W	98-11-071	388-15-610	AMD-E	98-09-042
352-32-080	AMD	98-04-065	381-20-050	AMD-XA	98-11-072	388-15-610	PREP	98-11-032
352-32-085	AMD	98-04-065	381-20-090	AMD-XA	98-09-047	388-15-620	PREP	98-11-031
352-32-120	AMD	98-04-065	381-20-090	AMD-W	98-11-071	388-15-630	PREP	98-11-031
352-32-130	AMD	98-04-065	381-20-090	AMD-XA	98-11-072	388-15-830	AMD	98-04-026
352-32-140	AMD	98-04-065	381-20-100	AMD-XA	98-09-047	388-15-830	AMD-E	98-09-042
352-32-150	AMD	98-04-065	381-20-100	AMD-W	98-11-071	388-15-830	PREP	98-11-032
352-32-165	AMD	98-04-065	381-20-100	AMD-XA	98-11-072	388-15-880	AMD	98-04-026
352-32-170	AMD	98-04-065	381-30-050	AMD	98-09-045	388-15-880	PREP	98-11-031
352-32-195	AMD	98-04-065	381-40-030	AMD	98-09-045	388-15-890	AMD	98-04-026
352-32-200	AMD	98-04-065	381-40-040	AMD	98-09-045	388-15-890	AMD-E	98-09-042
352-32-210	AMD	98-04-065	381-40-060	AMD	98-09-045	388-15-890	PREP	98-11-031
352-32-215	NEW	98-04-065	381-40-080	AMD	98-09-045	388-15-890	PREP	98-11-032
352-32-25001	AMD	98-04-065	381-40-140	AMD	98-09-045	388-15-895	NEW	98-04-026
352-32-25002	AMD	98-04-065	381-60-090	AMD	98-09-045	388-15-895	AMD-E	98-09-042
352-32-251	AMD	98-04-065	381-60-160	AMD	98-09-045	388-15-895	PREP	98-11-032
352-32-252	AMD	98-04-065	381-60-180	AMD	98-09-045	388-31	PREP	98-06-088
352-32-300	AMD	98-04-065	381-70-030	AMD	98-09-045	388-49-010	REP-P	98-11-084
352-32-330	AMD	98-04-065	381-70-410	AMD	98-09-045	388-49-015	REP-P	98-11-084
352-60-020	AMD-P	98-03-086	381-80-050	AMD	98-09-045	388-49-020	REP-P	98-11-084
352-60-020	AMD	98-07-022	388-11-205	PREP	98-03-078	388-49-030	REP-P	98-11-084
352-60-140	NEW-P	98-03-086	388-14-045	PREP	98-12-106	388-49-040	REP-P	98-11-084
352-60-140	NEW	98-07-022	388-14-045	PREP	98-12-106	388-49-050	REP-P	98-11-084
352-76	AMD-P	98-03-090	388-14-200	AMD-E	98-04-027	388-49-060	REP-P	98-11-084
352-76	AMD	98-07-021	388-14-200	AMD-S	98-06-067	388-49-070	REP-P	98-11-084
352-76-010	AMD-P	98-03-090	388-14-200	AMD	98-10-042	388-49-070	REP-P	98-11-084
352-76-010	AMD	98-07-021	388-14-201	NEW-E	98-04-027	388-49-080	REP-P	98-11-084
352-76-020	AMD-P	98-03-090	388-14-201	NEW-S	98-06-067	388-49-090	REP-P	98-11-084
352-76-020	AMD	98-07-021	388-14-201	NEW	98-10-042	388-49-100	REP-P	98-11-084
352-76-030	AMD-P	98-03-090	388-14-202	NEW-E	98-04-027	388-49-110	REP-P	98-11-084
352-76-030	AMD	98-07-021	388-14-202	NEW-S	98-06-067	388-49-120	REP-P	98-11-084
352-76-040	AMD-P	98-03-090	388-14-202	NEW	98-10-042	388-49-150	REP-P	98-11-084
352-76-040	AMD	98-07-021	388-14-270	AMD-E	98-04-027	388-49-160	REP-P	98-11-084
352-76-050	AMD-P	98-03-090	388-14-270	AMD-S	98-06-067	388-49-170	REP-P	98-11-084
352-76-050	AMD	98-07-021	388-14-270	AMD	98-10-042	388-49-180	REP-P	98-11-084
352-76-060	AMD-P	98-03-090	388-14-270	AMD	98-10-042	388-49-190	REP-P	98-11-084
352-76-060	AMD	98-07-021	388-14-385	AMD-P	98-05-078	388-49-200	REP-P	98-11-084
352-76-070	AMD-P	98-03-090	388-14-386	NEW-P	98-05-078	388-49-210	REP-P	98-11-084
352-76-070	AMD	98-07-021	388-14-387	NEW-P	98-05-078	388-49-220	REP-P	98-11-084
352-76-075	NEW-P	98-03-090	388-14-388	NEW-P	98-05-078	388-49-230	REP-P	98-11-084
352-76-075	NEW	98-07-021	388-14-500	AMD-P	98-05-079	388-49-240	REP-P	98-11-084
			388-14-510	NEW-P	98-13-081	388-49-250	REP-P	98-11-084
			388-14-520	NEW-P	98-13-081			

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-49-260	REP-P	98-11-084	388-55-020	REP-P	98-11-084	388-76-660	AMD-S	98-02-077
388-49-270	REP-P	98-11-084	388-55-030	REP-P	98-11-084	388-76-660	AMD	98-11-095
388-49-280	REP-P	98-11-084	388-55-040	REP-P	98-11-084	388-76-665	AMD-S	98-02-077
388-49-290	REP-P	98-11-084	388-55-050	REP-P	98-11-084	388-76-665	AMD	98-11-095
388-49-300	REP-P	98-11-084	388-55-060	REP-P	98-11-084	388-76-670	AMD-S	98-02-077
388-49-310	REP-P	98-11-084	388-61-001	AMD	98-07-040	388-76-670	AMD	98-11-095
388-49-320	REP-P	98-11-084	388-73	PREP	98-08-084	388-76-675	AMD-S	98-02-077
388-49-330	REP-P	98-11-084	388-76-540	AMD-S	98-02-077	388-76-675	AMD	98-11-095
388-49-340	REP-P	98-11-084	388-76-540	AMD	98-11-095	388-76-680	AMD-S	98-02-077
388-49-350	REP-P	98-11-084	388-76-550	AMD-S	98-02-077	388-76-680	AMD	98-11-095
388-49-355	REP-P	98-11-084	388-76-550	AMD	98-11-095	388-76-685	AMD-S	98-02-077
388-49-360	AMD-W	98-06-076	388-76-560	AMD-S	98-02-077	388-76-685	AMD	98-11-095
388-49-360	REP-P	98-11-084	388-76-560	AMD	98-11-095	388-76-690	AMD-S	98-02-077
388-49-362	REP-P	98-11-084	388-76-561	NEW-S	98-04-032	388-76-690	AMD	98-11-095
388-49-364	REP-P	98-11-084	388-76-570	AMD-S	98-02-077	388-76-695	AMD-S	98-02-077
388-49-366	REP-P	98-11-084	388-76-570	AMD	98-11-095	388-76-695	AMD	98-11-095
388-49-368	REP-P	98-11-084	388-76-590	AMD-S	98-04-032	388-76-705	AMD-S	98-02-077
388-49-369	REP-P	98-11-084	388-76-590	AMD-W	98-08-091	388-76-705	AMD	98-11-095
388-49-370	REP-P	98-11-084	388-76-590	AMD	98-12-054	388-76-765	AMD-W	98-08-091
388-49-380	AMD-W	98-06-076	388-76-59000	NEW	98-12-054	388-79	NEW-C	98-05-053
388-49-380	REP-P	98-11-084	388-76-59010	NEW	98-12-054	388-79-010	NEW-P	98-03-085
388-49-385	AMD-W	98-06-076	388-76-59020	NEW	98-12-054	388-79-010	NEW	98-10-055
388-49-385	REP-P	98-11-084	388-76-59050	NEW	98-12-054	388-79-020	NEW-P	98-03-085
388-49-390	REP-P	98-11-084	388-76-59060	NEW	98-12-054	388-79-020	NEW	98-10-055
388-49-400	REP-P	98-11-084	388-76-59070	NEW	98-12-054	388-79-030	NEW-P	98-03-085
388-49-410	REP-P	98-11-084	388-76-59080	NEW	98-12-054	388-79-030	NEW	98-10-055
388-49-420	REP-P	98-11-084	388-76-59090	NEW	98-12-054	388-79-040	NEW-P	98-03-085
388-49-430	REP-P	98-11-084	388-76-59100	NEW	98-12-054	388-79-040	NEW	98-10-055
388-49-440	REP-P	98-11-084	388-76-59110	NEW	98-12-054	388-86	PREP	98-10-106
388-49-450	REP-P	98-11-084	388-76-59120	NEW	98-12-054	388-86-015	REP-P	98-13-082
388-49-460	REP-P	98-11-084	388-76-595	AMD-S	98-02-077	388-86-027	AMD-P	98-11-084
388-49-470	REP-P	98-11-084	388-76-595	AMD	98-11-095	388-86-045	PREP	98-13-086
388-49-480	REP-P	98-11-084	388-76-600	AMD-S	98-04-032	388-86-080	REP-P	98-13-082
388-49-485	REP-P	98-11-084	388-76-600	AMD	98-12-054	388-86-095	REP-P	98-13-082
388-49-490	REP-P	98-11-084	388-76-60000	NEW	98-12-054	388-87	PREP	98-10-106
388-49-500	REP-P	98-11-084	388-76-60010	NEW	98-12-054	388-87	PREP	98-13-086
388-49-505	REP-P	98-11-084	388-76-60020	NEW	98-12-054	388-96	PREP	98-03-077
388-49-510	AMD	98-03-049	388-76-60030	NEW	98-12-054	388-96	PREP	98-06-066
388-49-510	REP-P	98-11-084	388-76-60040	NEW	98-12-054	388-96-718	NEW-E	98-11-094
388-49-515	REP-P	98-11-084	388-76-60050	NEW	98-12-054	388-97	PREP	98-06-089
388-49-520	REP-P	98-11-084	388-76-60060	NEW	98-12-054	388-97-235	AMD-W	98-13-077
388-49-535	REP-P	98-11-084	388-76-60070	NEW	98-12-054	388-150-180	PREP	98-02-057
388-49-550	AMD-P	98-04-039	388-76-605	AMD-S	98-02-077	388-150-190	PREP	98-02-057
388-49-550	AMD-E	98-04-040	388-76-605	AMD	98-11-095	388-150-200	PREP	98-02-057
388-49-550	AMD	98-10-025	388-76-610	AMD-S	98-04-032	388-150-470	PREP	98-02-057
388-49-550	REP-P	98-11-084	388-76-610	AMD-W	98-08-091	388-151	PREP	98-10-104
388-49-560	REP-P	98-04-039	388-76-610	AMD	98-12-054	388-151-180	PREP	98-02-057
388-49-560	REP-E	98-04-040	388-76-61000	NEW	98-12-054	388-151-190	PREP	98-02-057
388-49-560	AMD	98-10-025	388-76-61010	NEW	98-12-054	388-151-200	PREP	98-02-057
388-49-560	REP-P	98-11-084	388-76-61020	NEW	98-12-054	388-151-470	PREP	98-02-057
388-49-570	REP-P	98-04-039	388-76-61030	NEW	98-12-054	388-155-180	PREP	98-02-057
388-49-570	REP-E	98-04-040	388-76-61040	NEW	98-12-054	388-155-190	PREP	98-02-057
388-49-570	AMD	98-10-025	388-76-61050	NEW	98-12-054	388-155-200	PREP	98-02-057
388-49-570	REP-P	98-11-084	388-76-61060	NEW	98-12-054	388-155-470	PREP	98-02-057
388-49-580	REP-P	98-04-039	388-76-61070	NEW	98-12-054	388-160	PREP	98-08-084
388-49-580	REP-E	98-04-040	388-76-61080	NEW	98-12-054	388-200-1100	REP-P	98-11-084
388-49-580	AMD	98-10-025	388-76-615	AMD-S	98-04-032	388-200-1150	REP-P	98-11-084
388-49-580	REP-P	98-11-084	388-76-615	AMD	98-12-054	388-210-1000	REP-P	98-11-084
388-49-590	REP-P	98-11-084	388-76-61500	NEW	98-12-054	388-210-1010	REP-P	98-11-084
388-49-600	REP-P	98-11-084	388-76-61510	NEW	98-12-054	388-210-1020	REP-P	98-11-084
388-49-610	REP-P	98-11-084	388-76-61520	NEW	98-12-054	388-210-1050	REP-P	98-11-084
388-49-620	REP-P	98-11-084	388-76-61530	NEW	98-12-054	388-210-1100	REP-P	98-11-084
388-49-630	REP-P	98-11-084	388-76-61540	NEW	98-12-054	388-210-1200	REP-P	98-11-084
388-49-640	REP-P	98-11-084	388-76-61550	NEW	98-12-054	388-210-1220	REP-P	98-11-084
388-49-650	REP-P	98-11-084	388-76-61560	NEW	98-12-054	388-210-1230	REP-P	98-11-084
388-49-660	REP-P	98-11-084	388-76-61570	NEW	98-12-054	388-210-1250	REP-P	98-11-084
388-49-670	REP-P	98-11-084	388-76-620	AMD-S	98-02-077	388-210-1300	REP-P	98-11-084
388-49-680	REP-P	98-11-084	388-76-620	AMD	98-11-095	388-210-1310	REP-P	98-11-084
388-49-690	REP-P	98-11-084	388-76-635	AMD-S	98-02-077	388-210-1320	REP-P	98-11-084
388-49-700	REP-P	98-11-084	388-76-635	AMD	98-11-095	388-210-1330	REP-P	98-11-084
388-55-006	REP-P	98-11-084	388-76-640	AMD-W	98-08-091	388-210-1340	REP-P	98-11-084
388-55-008	REP-P	98-11-084	388-76-655	AMD-S	98-02-077	388-210-1350	REP-P	98-11-084
388-55-010	REP-P	98-11-084	388-76-655	AMD	98-11-095	388-210-1400	REP-P	98-11-084

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-235-2000	REP-P	98-11-084	388-265-1700	REP-P	98-11-084	388-406-0065	NEW-P	98-11-084
388-235-3000	REP-P	98-11-084	388-265-1800	REP-P	98-11-084	388-408-0005	NEW-P	98-11-084
388-235-4000	REP-P	98-11-084	388-265-1850	REP-P	98-11-084	388-408-0010	NEW-P	98-11-084
388-245-1000	REP-P	98-11-084	388-265-1900	REP-P	98-11-084	388-408-0015	NEW-P	98-11-084
388-245-1150	AMD	98-04-015	388-265-1950	REP-P	98-11-084	388-408-0020	NEW-P	98-11-084
388-245-1150	REP-P	98-11-084	388-265-2000	REP-P	98-11-084	388-408-0025	NEW-P	98-11-084
388-245-1160	REP-P	98-11-084	388-270-1005	REP-P	98-11-084	388-408-0030	NEW-P	98-11-084
388-245-1170	REP-P	98-11-084	388-270-1010	REP-P	98-11-084	388-408-0035	NEW-P	98-11-084
388-245-1210	REP-P	98-11-084	388-270-1025	REP-P	98-11-084	388-408-0040	NEW-P	98-11-084
388-245-1300	REP-P	98-11-084	388-270-1075	REP-P	98-11-084	388-408-0045	NEW-P	98-11-084
388-245-1310	REP-P	98-11-084	388-270-1100	REP-P	98-11-084	388-408-0050	NEW-P	98-11-084
388-245-1315	REP-P	98-11-084	388-270-1110	REP-P	98-11-084	388-408-0055	NEW-P	98-11-084
388-245-1320	REP-P	98-11-084	388-270-1125	REP-P	98-11-084	388-410-0001	NEW-P	98-11-084
388-245-1350	REP-P	98-11-084	388-270-1150	REP-P	98-11-084	388-410-0005	NEW-P	98-11-084
388-245-1400	REP-P	98-11-084	388-270-1200	REP-P	98-11-084	388-410-0010	NEW-P	98-11-084
388-245-1410	REP-P	98-11-084	388-270-1250	REP-P	98-11-084	388-410-0015	NEW-P	98-11-084
388-245-1500	REP-P	98-11-084	388-270-1300	REP-P	98-11-084	388-410-0020	NEW-P	98-11-084
388-245-1510	AMD	98-04-016	388-270-1400	REP-P	98-11-084	388-410-0025	NEW-P	98-11-084
388-245-1510	REP-P	98-11-084	388-270-1500	REP-P	98-11-084	388-410-0030	NEW-P	98-11-084
388-245-1520	REP-P	98-11-084	388-270-1550	REP-P	98-11-084	388-410-0035	NEW-P	98-11-084
388-245-1600	REP-P	98-11-084	388-270-1600	REP-P	98-11-084	388-410-0040	NEW-P	98-11-084
388-245-1610	REP-P	98-11-084	388-275	PREP	98-07-036	388-412-0005	NEW-P	98-11-084
388-245-1700	REP-P	98-11-084	388-275-0020	REP-P	98-11-084	388-412-0010	NEW-P	98-11-084
388-245-1710	REP-P	98-11-084	388-275-0030	REP-P	98-11-084	388-412-0015	NEW-P	98-11-084
388-245-1715	REP-P	98-11-084	388-275-0050	REP-P	98-11-084	388-412-0020	NEW-P	98-11-084
388-245-1720	REP-P	98-11-084	388-275-0060	REP-P	98-11-084	388-412-0025	NEW-P	98-11-084
388-245-1730	REP-P	98-11-084	388-275-0070	REP-P	98-11-084	388-412-0030	NEW-P	98-11-084
388-245-1740	REP-P	98-11-084	388-275-0090	REP-P	98-11-084	388-412-0035	NEW-P	98-11-084
388-245-2010	REP-P	98-11-084	388-280	PREP	98-07-037	388-412-0040	NEW-P	98-11-084
388-245-2020	REP-P	98-11-084	388-290	PREP	98-08-075	388-414-0001	NEW-P	98-11-084
388-245-2030	REP-P	98-11-084	388-290-010	AMD-P	98-03-083	388-416-0005	NEW-P	98-11-084
388-245-2040	REP-P	98-11-084	388-290-010	AMD	98-08-021	388-416-0010	NEW-P	98-11-084
388-245-2050	REP-P	98-11-084	388-290-020	AMD-P	98-03-083	388-416-0015	NEW-P	98-11-084
388-250-1010	REP-P	98-11-084	388-290-020	AMD	98-08-021	388-416-0020	NEW-P	98-11-084
388-250-1050	REP-P	98-11-084	388-290-025	AMD-P	98-03-083	388-416-0025	NEW-P	98-11-084
388-250-1100	REP-P	98-11-084	388-290-025	AMD	98-08-021	388-416-0030	NEW-P	98-11-084
388-250-1150	REP-P	98-11-084	388-290-035	AMD-P	98-03-083	388-416-0035	NEW-P	98-11-084
388-250-1200	REP-P	98-11-084	388-290-035	AMD	98-08-021	388-418-0005	NEW-P	98-11-084
388-250-1225	REP-P	98-11-084	388-290-050	AMD-P	98-03-083	388-418-0010	NEW-P	98-11-084
388-250-1250	AMD	98-08-037	388-290-050	AMD	98-08-021	388-418-0015	NEW-P	98-11-084
388-250-1250	REP-P	98-11-084	388-290-055	PREP	98-08-075	388-418-0020	NEW-P	98-11-084
388-250-1300	REP-P	98-11-084	388-290-090	AMD-P	98-03-083	388-418-0025	NEW-P	98-11-084
388-250-1310	REP-P	98-11-084	388-290-090	AMD	98-08-021	388-418-0030	NEW-P	98-11-084
388-250-1350	REP-P	98-11-084	388-290-090	PREP	98-08-075	388-420-010	NEW-P	98-11-084
388-250-1400	REP-P	98-11-084	388-310-1300	NEW-S	98-03-080	388-422-0005	NEW-P	98-11-084
388-250-1450	REP-P	98-11-084	388-310-1300	NEW-S	98-07-042	388-422-0010	NEW-P	98-11-084
388-250-1500	REP-P	98-11-084	388-310-1300	NEW	98-10-054	388-422-0020	NEW-P	98-11-084
388-250-1550	REP-P	98-11-084	388-320-340	REP-P	98-08-076	388-422-0030	NEW-P	98-11-084
388-250-1600	REP-P	98-11-084	388-320-340	REP	98-11-034	388-424-0005	NEW-P	98-11-084
388-250-1650	REP-P	98-11-084	388-400-0005	NEW-P	98-11-084	388-424-0010	NEW-P	98-11-084
388-250-1700	AMD	98-06-057	388-400-0010	NEW-P	98-11-084	388-424-0015	NEW-P	98-11-084
388-250-1700	REP-P	98-11-084	388-400-0015	NEW-P	98-11-084	388-424-0020	NEW-P	98-11-084
388-250-1750	REP-P	98-11-084	388-400-0020	NEW-P	98-11-084	388-424-0025	NEW-P	98-11-084
388-255-1350	REP-P	98-11-084	388-400-0025	NEW-P	98-11-084	388-426-0005	NEW-P	98-11-084
388-255-1400	REP-P	98-11-084	388-400-0030	NEW-P	98-11-084	388-428-0005	NEW-P	98-11-084
388-265	PREP	98-07-099	388-400-0035	NEW-P	98-11-084	388-428-0010	NEW-P	98-11-084
388-265-1010	REP-P	98-11-084	388-400-0040	NEW-P	98-11-084	388-430-0001	NEW-P	98-11-084
388-265-1050	REP-P	98-11-084	388-400-0045	NEW-P	98-13-080	388-430-0005	NEW-P	98-11-084
388-265-1100	REP-P	98-11-084	388-404-0005	NEW-P	98-11-084	388-430-0010	NEW-P	98-11-084
388-265-1150	AMD-P	98-11-074	388-404-0010	NEW-P	98-11-084	388-430-0015	NEW-P	98-11-084
388-265-1155	NEW-P	98-11-074	388-404-0015	NEW-P	98-11-084	388-430-0020	NEW-P	98-11-084
388-265-1200	AMD-P	98-11-074	388-406-0005	NEW-P	98-11-084	388-430-0025	NEW-P	98-11-084
388-265-1250	AMD-P	98-11-074	388-406-0010	NEW-P	98-11-084	388-434-0005	NEW-P	98-11-084
388-265-1275	AMD-P	98-11-074	388-406-0015	NEW-P	98-11-084	388-434-0010	NEW-P	98-11-084
388-265-1300	AMD-P	98-11-074	388-406-0020	NEW-P	98-11-084	388-436-0001	NEW-P	98-11-084
388-265-1375	NEW-P	98-11-074	388-406-0025	NEW-P	98-11-084	388-436-0005	NEW-P	98-11-084
388-265-1400	REP-P	98-11-074	388-406-0030	NEW-P	98-11-084	388-436-0010	NEW-P	98-11-084
388-265-1450	AMD-P	98-11-074	388-406-0035	NEW-P	98-11-084	388-436-0015	NEW-P	98-11-084
388-265-1500	AMD-P	98-11-074	388-406-0040	NEW-P	98-11-084	388-436-0020	NEW-P	98-11-084
388-265-1550	REP-P	98-11-074	388-406-0045	NEW-P	98-11-084	388-436-0025	NEW-P	98-11-084
388-265-1550	REP-P	98-11-084	388-406-0050	NEW-P	98-11-084	388-436-0030	NEW-P	98-11-084
388-265-1600	AMD-P	98-11-074	388-406-0055	NEW-P	98-11-084	388-436-0035	NEW-P	98-11-084
388-265-1700	REP-P	98-11-074	388-406-0060	NEW-P	98-11-084	388-436-0040	NEW-P	98-11-084

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-436-0045	NEW-P	98-11-084	388-450-0210	NEW-P	98-11-084	388-478-0070	NEW-P	98-11-084
388-436-0050	NEW-P	98-11-084	388-450-0215	NEW-P	98-11-084	388-478-0075	NEW-P	98-11-084
388-436-0050	NEW-W	98-13-054	388-450-0220	NEW-P	98-11-084	388-478-0080	NEW-P	98-11-084
388-436-0050	NEW-P	98-13-080	388-450-0225	NEW-P	98-11-084	388-478-0085	NEW-P	98-11-084
388-437-0001	NEW-P	98-11-084	388-450-0230	NEW-P	98-11-084	388-480-0001	NEW-P	98-11-084
388-438-0100	NEW-P	98-11-084	388-450-0235	NEW-P	98-11-084	388-482-0005	NEW-P	98-11-084
388-438-0110	NEW-P	98-11-084	388-450-0240	NEW-P	98-11-084	388-484-0005	NEW-P	98-11-084
388-440-0001	NEW-P	98-11-084	388-450-0245	NEW-P	98-11-084	388-486-0005	NEW-P	98-11-084
388-440-0005	NEW-P	98-11-084	388-450-0250	NEW-P	98-11-084	388-486-0010	NEW-P	98-11-084
388-442-0010	NEW-P	98-11-084	388-452-0005	NEW-P	98-11-084	388-488-0005	NEW-P	98-11-084
388-444-0005	NEW-P	98-11-084	388-452-0010	NEW-P	98-11-084	388-488-0010	NEW-P	98-11-084
388-444-0010	NEW-P	98-11-084	388-454-0005	NEW-P	98-11-084	388-490-0005	NEW-P	98-11-084
388-444-0015	NEW-P	98-11-084	388-454-0010	NEW-P	98-11-084	388-500	PREP	98-10-106
388-444-0020	NEW-P	98-11-084	388-454-0015	NEW-P	98-11-084	388-500-0005	AMD-P	98-08-081
388-444-0030	NEW-P	98-11-084	388-454-0020	NEW-P	98-11-084	388-500-0005	AMD-E	98-08-088
388-444-0035	NEW-P	98-11-084	388-454-0025	NEW-P	98-11-084	388-501	PREP	98-10-106
388-444-0040	NEW-P	98-11-084	388-456-0001	NEW-P	98-11-084	388-501-0105	REP-P	98-13-082
388-444-0045	NEW-P	98-11-084	388-456-0005	NEW-P	98-11-084	388-501-0110	REP-P	98-13-082
388-444-0050	NEW-P	98-11-084	388-456-0010	NEW-P	98-11-084	388-501-0135	AMD-P	98-11-084
388-444-0055	NEW-P	98-11-084	388-456-0015	NEW-P	98-11-084	388-501-0140	REP-P	98-13-082
388-444-0060	NEW-P	98-11-084	388-458-0005	NEW-P	98-11-084	388-501-0150	REP-P	98-13-082
388-444-0065	NEW-P	98-11-084	388-458-0010	NEW-P	98-11-084	388-501-0170	REP-P	98-13-082
388-444-0070	NEW-P	98-11-084	388-458-0015	NEW-P	98-11-084	388-501-0190	REP-P	98-13-082
388-444-0075	NEW-P	98-11-084	388-460-0001	NEW-P	98-11-084	388-503	PREP	98-10-106
388-444-0080	NEW-P	98-11-084	388-460-0005	NEW-P	98-11-084	388-503-0305	REP-P	98-13-082
388-446-0001	NEW-P	98-11-084	388-460-0010	NEW-P	98-11-084	388-503-0310	AMD-P	98-08-081
388-446-0005	NEW-P	98-11-084	388-460-0015	NEW-P	98-11-084	388-503-0310	AMD-E	98-08-088
388-446-0010	NEW-P	98-11-084	388-462-0005	NEW-P	98-11-084	388-503-0320	REP-P	98-13-082
388-446-0015	NEW-P	98-11-084	388-462-0010	NEW-P	98-11-084	388-503-0350	REP-P	98-13-082
388-446-0020	NEW-P	98-11-084	388-462-0015	NEW-P	98-11-084	388-503-0370	REP-P	98-13-082
388-448-0001	NEW-P	98-11-084	388-464-0001	NEW-P	98-11-084	388-503-0505	NEW-P	98-11-084
388-448-0005	NEW-P	98-11-084	388-466-0005	NEW-P	98-11-084	388-503-0510	NEW-P	98-11-084
388-450-0005	NEW-P	98-11-084	388-466-0010	NEW-P	98-11-084	388-503-0515	NEW-P	98-11-084
388-450-0010	NEW-P	98-11-084	388-466-0015	NEW-P	98-11-084	388-503-0520	NEW-P	98-11-084
388-450-0015	NEW-P	98-11-084	388-466-0020	NEW-P	98-11-084	388-504	PREP	98-10-106
388-450-0020	NEW-P	98-11-084	388-466-0025	NEW-P	98-11-084	388-504-0405	REP-P	98-13-082
388-450-0025	NEW-P	98-11-084	388-468-0010	NEW-P	98-11-084	388-504-0410	REP-P	98-13-082
388-450-0030	NEW-P	98-11-084	388-470-0005	NEW-P	98-11-084	388-504-0420	REP-P	98-13-082
388-450-0035	NEW-P	98-11-084	388-470-0010	NEW-P	98-11-084	388-504-0430	REP-P	98-13-082
388-450-0040	NEW-P	98-11-084	388-470-0015	NEW-P	98-11-084	388-504-0440	REP-P	98-13-082
388-450-0045	NEW-P	98-11-084	388-470-0020	NEW-P	98-11-084	388-504-0450	REP-P	98-13-082
388-450-0050	NEW-P	98-11-084	388-470-0025	NEW-P	98-11-084	388-504-0460	REP-P	98-13-082
388-450-0055	NEW-P	98-11-084	388-470-0030	NEW-P	98-11-084	388-504-0470	REP-P	98-13-082
388-450-0060	NEW-P	98-11-084	388-470-0035	NEW-P	98-11-084	388-504-0480	REP-P	98-13-082
388-450-0065	NEW-P	98-11-084	388-470-0040	NEW-P	98-11-084	388-504-0485	REP-P	98-13-082
388-450-0070	NEW-P	98-11-084	388-470-0045	NEW-P	98-11-084	388-505	PREP	98-10-106
388-450-0075	NEW-P	98-11-084	388-470-0050	NEW-P	98-11-084	388-505-0110	NEW-P	98-11-084
388-450-0080	NEW-P	98-11-084	388-470-0055	NEW-P	98-11-084	388-505-0210	NEW-P	98-11-084
388-450-0085	NEW-P	98-11-084	388-470-0060	NEW-P	98-11-084	388-505-0220	NEW-P	98-11-084
388-450-0090	NEW-P	98-11-084	388-470-0065	NEW-P	98-11-084	388-505-0501	REP-P	98-13-082
388-450-0095	NEW-P	98-11-084	388-470-0070	NEW-P	98-11-084	388-505-0505	REP-P	98-13-082
388-450-0100	NEW-P	98-11-084	388-470-0075	NEW-P	98-11-084	388-505-0510	REP-P	98-13-082
388-450-0105	NEW-P	98-11-084	388-470-0080	NEW-P	98-11-084	388-505-0520	AMD-P	98-08-081
388-450-0110	NEW-P	98-11-084	388-472-0005	NEW-P	98-11-084	388-505-0520	AMD-E	98-08-088
388-450-0115	NEW-P	98-11-084	388-474-0001	NEW-P	98-11-084	388-505-0530	REP-P	98-13-082
388-450-0120	NEW-P	98-11-084	388-474-0005	NEW-P	98-11-084	388-505-0540	AMD-P	98-11-084
388-450-0125	NEW-P	98-11-084	388-474-0010	NEW-P	98-11-084	388-505-0560	REP-P	98-13-082
388-450-0130	NEW-P	98-11-084	388-474-0015	NEW-P	98-11-084	388-505-0570	REP-P	98-13-082
388-450-0135	NEW-P	98-11-084	388-474-0020	NEW-P	98-11-084	388-505-0580	REP-P	98-13-082
388-450-0140	NEW-P	98-11-084	388-476-0005	NEW-P	98-11-084	388-505-0590	REP-P	98-13-082
388-450-0145	NEW-P	98-11-084	388-478-0005	NEW-P	98-11-084	388-506	PREP	98-10-106
388-450-0150	NEW-P	98-11-084	388-478-0010	NEW-P	98-11-084	388-506-0610	REP-P	98-13-082
388-450-0155	NEW-P	98-11-084	388-478-0015	NEW-P	98-11-084	388-506-0630	REP-P	98-13-082
388-450-0160	NEW-P	98-11-084	388-478-0020	NEW-P	98-11-084	388-507	PREP	98-10-106
388-450-0165	NEW-P	98-11-084	388-478-0025	NEW-P	98-11-084	388-507-0710	AMD-P	98-08-082
388-450-0170	NEW-P	98-11-084	388-478-0030	NEW-P	98-11-084	388-507-0710	AMD-E	98-08-087
388-450-0175	NEW-P	98-11-084	388-478-0035	NEW-P	98-11-084	388-507-0710	AMD	98-11-033
388-450-0180	NEW-P	98-11-084	388-478-0040	NEW-P	98-11-084	388-507-0710	REP-P	98-13-082
388-450-0185	NEW-P	98-11-084	388-478-0045	NEW-P	98-11-084	388-507-0720	REP-P	98-13-082
388-450-0190	NEW-P	98-11-084	388-478-0050	NEW-P	98-11-084	388-507-0730	REP-P	98-13-082
388-450-0195	NEW-P	98-11-084	388-478-0055	NEW-P	98-11-084	388-507-0740	AMD-P	98-08-081
388-450-0200	NEW-P	98-11-084	388-478-0060	NEW-P	98-11-084	388-507-0740	AMD-E	98-08-088
388-450-0205	NEW-P	98-11-084	388-478-0065	NEW-P	98-11-084			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-507-0740	REP-P	98-13-082	388-517-1750	AMD-E	98-08-086	388-538-095	AMD-P	98-11-084
388-508	PREP	98-10-106	388-517-1750	AMD	98-11-073	388-538-130	AMD-P	98-11-084
388-508-0805	PREP	98-07-039	388-517-1750	REP-P	98-13-082	388-540-005	AMD-P	98-02-059
388-508-0805	AMD-E	98-08-085	388-517-1760	REP-P	98-08-083	388-540-005	AMD	98-06-025
388-508-0805	REP-P	98-13-082	388-517-1760	REP-E	98-08-086	388-540-030	AMD-P	98-02-059
388-508-0810	REP-P	98-13-082	388-517-1760	REP	98-11-073	388-540-030	AMD	98-06-025
388-508-0820	REP-P	98-13-082	388-517-1770	NEW-P	98-08-083	388-540-060	AMD-P	98-02-059
388-508-0830	REP-P	98-13-082	388-517-1770	NEW-E	98-08-086	388-540-060	AMD	98-06-025
388-508-0835	REP-P	98-13-082	388-517-1770	NEW	98-11-073	388-555-1000	NEW-P	98-07-050
388-508-0840	REP-P	98-13-082	388-517-1770	REP-P	98-13-082	388-555-1000	NEW-E	98-07-052
388-509	PREP	98-10-106	388-518	PREP	98-10-106	388-555-1000	NEW-S	98-10-107
388-509-0905	REP-P	98-13-082	388-518-1805	REP-P	98-13-082	388-555-1050	NEW-P	98-07-050
388-509-0910	REP-P	98-13-082	388-518-1810	REP-P	98-13-082	388-555-1050	NEW-E	98-07-052
388-509-0920	PREP	98-07-039	388-518-1820	REP-P	98-13-082	388-555-1050	NEW-S	98-10-107
388-509-0920	AMD-E	98-08-085	388-518-1830	REP-P	98-13-082	388-555-1100	NEW-P	98-07-050
388-509-0920	REP-P	98-13-082	388-518-1840	REP-P	98-13-082	388-555-1100	NEW-E	98-07-052
388-509-0940	REP-P	98-13-082	388-518-1850	REP-P	98-13-082	388-555-1100	NEW-S	98-10-107
388-509-0960	PREP	98-07-039	388-519	PREP	98-10-106	388-555-1150	NEW-P	98-07-050
388-509-0960	AMD-E	98-08-085	388-519-0100	NEW-P	98-11-084	388-555-1150	NEW-E	98-07-052
388-509-0960	REP-P	98-13-082	388-519-0110	NEW-P	98-11-084	388-555-1150	NEW-S	98-10-107
388-509-0970	REP-P	98-13-082	388-519-0120	NEW-P	98-11-084	388-555-1200	NEW-P	98-07-050
388-510	PREP	98-10-106	388-519-1905	REP-P	98-13-082	388-555-1200	NEW-E	98-07-052
388-510-1005	NEW-P	98-08-081	388-519-1910	REP-P	98-13-082	388-555-1200	NEW-S	98-10-107
388-510-1005	NEW-E	98-08-088	388-519-1930	REP-P	98-13-082	388-555-1250	NEW-P	98-07-050
388-510-1020	AMD-P	98-08-081	388-519-1950	REP-P	98-13-082	388-555-1250	NEW-E	98-07-052
388-510-1020	AMD-E	98-08-088	388-521	PREP	98-10-106	388-555-1250	NEW-S	98-10-107
388-510-1020	REP-P	98-13-082	388-521-2105	REP-P	98-13-082	388-555-1300	NEW-P	98-07-050
388-510-1030	REP-P	98-13-082	388-521-2106	REP-P	98-13-082	388-555-1300	NEW-E	98-07-052
388-511	PREP	98-10-106	388-521-2110	REP-P	98-13-082	388-555-1300	NEW-S	98-10-107
388-511-1110	REP-P	98-13-082	388-521-2120	REP-P	98-13-082	388-555-1350	NEW-P	98-07-050
388-511-1115	REP-P	98-13-082	388-521-2130	REP-P	98-13-082	388-555-1350	NEW-E	98-07-052
388-511-1140	REP-P	98-13-082	388-521-2140	REP-P	98-13-082	388-555-1350	NEW-S	98-10-107
388-511-1150	REP-P	98-13-082	388-521-2150	REP-P	98-13-082	388-555-1400	NEW-P	98-07-050
388-511-1160	AMD	98-04-031	388-521-2155	REP-P	98-13-082	388-555-1400	NEW-E	98-07-052
388-511-1160	REP-P	98-13-082	388-521-2160	AMD-P	98-08-083	388-555-1400	NEW-S	98-10-107
388-511-1170	REP-P	98-13-082	388-521-2160	AMD-E	98-08-086	388-555-1450	NEW-S	98-10-107
388-512	PREP	98-10-106	388-521-2160	AMD	98-11-073	390-05-400	AMD-P	98-05-107
388-512-1275	AMD	98-04-004	388-521-2160	REP-P	98-13-082	390-05-400	AMD	98-08-069
388-512-1280	REP	98-04-004	388-521-2170	REP-P	98-13-082	390-13-100	PREP	98-06-051
388-513	PREP	98-10-106	388-522	PREP	98-10-106	390-13-100	AMD-P	98-09-021
388-513-1315	AMD	98-04-003	388-522-2205	REP-P	98-13-082	390-13-100	AMD	98-12-038
388-513-1340	PREP	98-05-052	388-522-2210	REP-P	98-13-082	390-16-200	PREP	98-06-052
388-513-1345	PREP	98-05-052	388-522-2230	REP-P	98-13-082	390-16-200	REP-P	98-09-020
388-513-1350	AMD-P	98-08-082	388-523	PREP	98-10-106	390-16-200	REP	98-12-036
388-513-1350	AMD-E	98-08-087	388-523-0100	NEW-P	98-11-084	390-16-207	PREP	98-06-053
388-513-1350	AMD	98-11-033	388-523-2305	PREP	98-03-079	390-16-207	AMD-P	98-09-019
388-513-1380	AMD-P	98-03-085	388-523-2305	AMD-P	98-08-081	390-16-207	AMD	98-12-034
388-513-1380	AMD-C	98-05-053	388-523-2305	AMD-E	98-08-088	390-17-205	PREP	98-06-054
388-513-1380	AMD	98-08-077	388-523-2305	REP-P	98-13-082	390-17-205	REP-P	98-09-018
388-515	PREP	98-10-106	388-523-2320	REP-P	98-13-082	390-17-205	REP	98-12-035
388-515-1505	PREP	98-05-051	388-524	PREP	98-10-106	390-17-400	PREP	98-03-072
388-517	PREP	98-04-066	388-524-2405	REP-P	98-13-082	390-17-405	PREP	98-06-055
388-517	PREP	98-10-106	388-524-2420	REP-P	98-13-082	390-17-405	AMD-P	98-09-017
388-517-0300	NEW-P	98-11-084	388-525	PREP	98-10-106	390-17-405	AMD	98-12-037
388-517-1710	AMD-P	98-08-083	388-525-2505	REP-P	98-13-082	391-08	PREP	98-04-049
388-517-1710	AMD-E	98-08-086	388-525-2520	REP-P	98-13-082	391-08-001	AMD-P	98-10-101
388-517-1710	AMD	98-11-073	388-525-2570	REP-P	98-13-082	391-08-100	AMD-P	98-10-101
388-517-1710	REP-P	98-13-082	388-526	PREP	98-10-106	391-08-120	AMD-P	98-10-101
388-517-1715	AMD-P	98-08-083	388-527	PREP	98-10-106	391-08-180	AMD-P	98-10-101
388-517-1715	AMD-E	98-08-086	388-528	PREP	98-10-106	391-08-230	AMD-P	98-10-101
388-517-1715	AMD	98-11-073	388-529	PREP	98-10-106	391-08-300	AMD-P	98-10-101
388-517-1715	REP-P	98-13-082	388-529-0100	NEW-P	98-11-084	391-08-310	AMD-P	98-10-101
388-517-1720	REP-P	98-08-083	388-529-0200	NEW-P	98-11-084	391-08-315	AMD-P	98-10-101
388-517-1720	REP-E	98-08-086	388-529-2910	REP-P	98-13-082	391-08-520	NEW-P	98-10-101
388-517-1720	REP	98-11-073	388-529-2920	REP-P	98-13-082	391-08-630	AMD-P	98-10-101
388-517-1730	AMD-P	98-08-083	388-529-2930	REP-P	98-13-082	391-08-640	NEW-P	98-10-101
388-517-1730	AMD-E	98-08-086	388-529-2960	AMD	98-04-004	391-08-800	AMD-P	98-10-101
388-517-1730	AMD	98-11-073	388-529-2960	REP-P	98-13-082	391-08-810	AMD-P	98-10-101
388-517-1730	REP-P	98-13-082	388-530-1600	AMD-P	98-05-054	391-25	PREP	98-04-049
388-517-1740	REP-P	98-08-083	388-535	PREP	98-08-074	391-25-050	AMD-P	98-10-101
388-517-1740	REP-E	98-08-086	388-538	PREP	98-10-106	391-25-090	AMD-P	98-10-101
388-517-1740	REP	98-11-073	388-538-060	AMD-P	98-11-084	391-25-110	AMD-P	98-10-101
388-517-1750	AMD-P	98-08-083	388-538-080	AMD-P	98-11-084	391-25-190	AMD-P	98-10-101

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
391-25-210	AMD-P	98-10-101	392-134-005	AMD-W	98-04-070	392-139-622	NEW	98-08-096
391-25-220	AMD-P	98-10-101	392-134-010	AMD-W	98-04-070	392-139-623	NEW-P	98-05-040
391-25-230	AMD-P	98-10-101	392-134-020	AMD-W	98-04-070	392-139-625	NEW	98-08-096
391-25-250	AMD-P	98-10-101	392-134-025	AMD-W	98-04-070	392-139-625	AMD-P	98-05-040
391-25-270	AMD-P	98-10-101	392-139-007	AMD-P	98-05-040	392-139-625	AMD	98-08-096
391-25-350	AMD-P	98-10-101	392-139-007	AMD	98-08-096	392-139-626	REP-P	98-05-040
391-25-370	AMD-P	98-10-101	392-139-120	REP-P	98-05-040	392-139-626	REP	98-08-096
391-25-390	AMD-P	98-10-101	392-139-120	REP	98-08-096	392-139-660	AMD-P	98-05-040
391-25-391	AMD-P	98-10-101	392-139-122	REP-P	98-05-040	392-139-660	AMD	98-08-096
391-25-410	AMD-P	98-10-101	392-139-122	REP	98-08-096	392-139-661	NEW-P	98-05-040
391-25-450	AMD-P	98-10-101	392-139-126	REP-P	98-05-040	392-139-661	NEW	98-08-096
391-25-590	AMD-P	98-10-101	392-139-126	REP	98-08-096	392-139-670	AMD-P	98-05-040
391-25-630	AMD-P	98-10-101	392-139-128	REP-P	98-05-040	392-139-670	AMD	98-08-096
391-25-650	AMD-P	98-10-101	392-139-128	REP	98-08-096	392-139-676	AMD-P	98-05-040
391-25-660	NEW-P	98-10-101	392-139-129	REP-P	98-05-040	392-139-676	AMD	98-08-096
391-25-670	AMD-P	98-10-101	392-139-129	REP	98-08-096	392-139-680	REP-P	98-05-040
391-35	PREP	98-04-049	392-139-130	REP-P	98-05-040	392-139-680	REP	98-08-096
391-35-030	AMD-P	98-10-101	392-139-130	REP	98-08-096	392-139-681	REP-P	98-05-040
391-35-170	AMD-P	98-10-101	392-139-132	REP-P	98-05-040	392-139-681	REP	98-08-096
391-35-190	AMD-P	98-10-101	392-139-132	REP	98-08-096	392-139-685	REP-P	98-05-040
391-35-210	AMD-P	98-10-101	392-139-134	REP-P	98-05-040	392-139-685	REP	98-08-096
391-35-230	REP-P	98-10-101	392-139-134	REP	98-08-096	392-139-690	REP-P	98-05-040
391-35-250	AMD-P	98-10-101	392-139-150	REP-P	98-05-040	392-139-690	REP	98-08-096
391-45	PREP	98-04-049	392-139-150	REP	98-08-096	392-139-691	REP-P	98-05-040
391-45-030	AMD-P	98-10-101	392-139-152	REP-P	98-05-040	392-139-691	REP	98-08-096
391-45-110	AMD-P	98-10-101	392-139-152	REP	98-08-096	392-140-601	AMD-P	98-04-036
391-45-190	AMD-P	98-10-101	392-139-154	REP-P	98-05-040	392-140-601	AMD	98-08-013
391-45-250	AMD-P	98-10-101	392-139-154	REP	98-08-096	392-140-602	AMD-P	98-04-036
391-45-290	AMD-P	98-10-101	392-139-156	REP-P	98-05-040	392-140-602	AMD	98-08-013
391-45-310	AMD-P	98-10-101	392-139-156	REP	98-08-096	392-140-605	AMD-P	98-04-036
391-45-330	AMD-P	98-10-101	392-139-158	REP-P	98-05-040	392-140-605	AMD	98-08-013
391-45-350	AMD-P	98-10-101	392-139-158	REP	98-08-096	392-140-616	AMD-P	98-04-036
391-45-370	REP-P	98-10-101	392-139-160	REP-P	98-05-040	392-140-616	AMD	98-08-013
391-45-390	AMD-P	98-10-101	392-139-160	REP	98-08-096	392-140-625	AMD-P	98-04-036
391-45-430	AMD-P	98-10-101	392-139-162	REP-P	98-05-040	392-140-625	AMD	98-08-013
391-55	PREP	98-04-049	392-139-162	REP	98-08-096	392-140-630	NEW-P	98-04-036
391-55-245	AMD-P	98-10-101	392-139-164	REP-P	98-05-040	392-140-630	NEW	98-08-013
391-55-345	AMD-P	98-10-101	392-139-164	REP	98-08-096	392-140-640	AMD-P	98-04-036
391-95	PREP	98-04-049	392-139-168	REP-P	98-05-040	392-140-640	AMD	98-08-013
391-95-070	AMD-P	98-10-101	392-139-168	REP	98-08-096	392-140-656	AMD-P	98-04-036
391-95-090	AMD-P	98-10-101	392-139-170	REP-P	98-05-040	392-140-656	AMD	98-08-013
391-95-150	AMD-P	98-10-101	392-139-170	REP	98-08-096	392-140-660	AMD-P	98-04-036
391-95-230	AMD-P	98-10-101	392-139-172	REP-P	98-05-040	392-140-660	AMD	98-08-013
391-95-250	AMD-P	98-10-101	392-139-172	REP	98-08-096	392-140-665	AMD-P	98-04-036
391-95-260	AMD-P	98-10-101	392-139-174	REP-P	98-05-040	392-140-665	AMD	98-08-013
391-95-270	AMD-P	98-10-101	392-139-174	REP	98-08-096	392-140-675	AMD-P	98-04-036
391-95-280	REP-P	98-10-101	392-139-176	REP-P	98-05-040	392-140-675	AMD	98-08-013
391-95-290	AMD-P	98-10-101	392-139-176	REP	98-08-096	392-140-680	AMD-P	98-04-036
392-115-005	AMD	98-05-008	392-139-178	REP-P	98-05-040	392-140-680	AMD	98-08-013
392-115-010	AMD	98-05-008	392-139-178	REP	98-08-096	392-140-685	AMD-P	98-04-036
392-115-015	AMD	98-05-008	392-139-180	REP-P	98-05-040	392-140-685	AMD	98-08-013
392-115-020	AMD	98-05-008	392-139-180	REP	98-08-096	392-140-700	NEW-P	98-03-067
392-115-025	AMD	98-05-008	392-139-182	REP-P	98-05-040	392-140-700	NEW	98-07-061
392-115-045	AMD	98-05-008	392-139-182	REP	98-08-096	392-140-701	NEW-P	98-03-067
392-115-050	AMD	98-05-008	392-139-184	REP-P	98-05-040	392-140-701	NEW	98-07-061
392-115-055	AMD	98-05-008	392-139-184	REP	98-08-096	392-140-702	NEW-P	98-03-067
392-115-060	AMD	98-05-008	392-139-186	REP-P	98-05-040	392-140-702	NEW	98-07-061
392-115-065	AMD	98-05-008	392-139-186	REP	98-08-096	392-140-710	NEW-P	98-03-067
392-115-085	AMD	98-05-008	392-139-215	AMD-P	98-05-040	392-140-710	NEW	98-07-061
392-115-090	AMD	98-05-008	392-139-215	AMD	98-08-096	392-140-711	NEW-P	98-03-067
392-115-110	AMD	98-05-008	392-139-310	AMD-P	98-05-040	392-140-711	NEW	98-07-061
392-115-115	AMD	98-05-008	392-139-310	AMD	98-08-096	392-140-712	NEW-P	98-03-067
392-115-120	AMD	98-05-008	392-139-320	AMD-P	98-05-040	392-140-712	NEW	98-07-061
392-115-125	AMD	98-05-008	392-139-320	AMD	98-08-096	392-140-713	NEW-P	98-03-067
392-115-130	AMD	98-05-008	392-139-611	REP-P	98-05-040	392-140-713	NEW	98-07-061
392-115-151	NEW	98-05-008	392-139-611	REP	98-08-096	392-140-714	NEW-P	98-03-067
392-115-155	AMD	98-05-008	392-139-616	REP-P	98-05-040	392-140-714	NEW	98-07-061
392-121-124	NEW-P	98-03-066	392-139-616	REP	98-08-096	392-140-715	NEW-P	98-03-067
392-121-124	NEW	98-07-060	392-139-620	AMD-P	98-05-040	392-140-715	NEW	98-07-061
392-121-138	AMD-P	98-03-066	392-139-620	AMD	98-08-096	392-140-716	NEW-P	98-03-067
392-121-138	AMD	98-07-060	392-139-621	REP-P	98-05-040	392-140-716	NEW	98-07-061
392-121-182	AMD-W	98-04-070	392-139-621	REP	98-08-096	392-140-720	NEW-P	98-03-067
392-126	PREP	98-05-038	392-139-622	NEW-P	98-05-040	392-140-720	NEW	98-07-061

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
392-140-721	NEW-P	98-03-067	392-170-090	AMD	98-12-002	434-30-150	AMD	98-03-033
392-140-721	NEW	98-07-061	392-172	PREP	98-05-039	434-30-150	DECOD	98-03-033
392-140-722	NEW-P	98-03-067	392-182-020	AMD	98-04-025	434-32-010	DECOD	98-08-010
392-140-722	NEW	98-07-061	399-10-010	AMD-P	98-07-033	434-57-010	DECOD	98-08-010
392-140-723	NEW-P	98-03-067	399-10-030	AMD-P	98-07-033	434-57-020	DECOD	98-08-010
392-140-723	NEW	98-07-061	399-20-060	AMD-P	98-07-033	434-57-030	DECOD	98-08-010
392-140-724	NEW-P	98-03-067	399-20-070	AMD-P	98-07-033	434-57-040	DECOD	98-08-010
392-140-724	NEW	98-07-061	399-20-100	AMD-P	98-07-033	434-57-050	DECOD	98-08-010
392-140-725	NEW-P	98-03-067	399-20-120	AMD-P	98-07-033	434-57-070	DECOD	98-08-010
392-140-725	NEW	98-07-061	399-30-020	AMD-P	98-07-033	434-57-080	DECOD	98-08-010
392-140-726	NEW-P	98-03-067	399-30-030	AMD-P	98-07-033	434-57-090	DECOD	98-08-010
392-140-726	NEW	98-07-061	399-30-045	AMD-P	98-07-033	434-57-100	DECOD	98-08-010
392-140-727	NEW-P	98-03-067	399-30-060	AMD-P	98-07-033	434-57-120	DECOD	98-08-010
392-140-727	NEW	98-07-061	399-30-065	AMD-P	98-07-033	434-57-130	DECOD	98-08-010
392-140-728	NEW-P	98-03-067	415-108-010	AMD	98-09-059	434-57-150	DECOD	98-08-010
392-140-728	NEW	98-07-061	415-108-0110	NEW	98-09-059	434-60-010	DECOD	98-08-010
392-140-730	NEW-P	98-03-067	415-108-0111	NEW	98-09-059	434-60-020	DECOD	98-08-010
392-140-730	NEW	98-07-061	415-108-441	NEW	98-09-059	434-60-030	DECOD	98-08-010
392-140-731	NEW-P	98-03-067	415-108-443	NEW	98-09-059	434-60-040	DECOD	98-08-010
392-140-731	NEW	98-07-061	415-108-445	NEW	98-09-059	434-60-050	DECOD	98-08-010
392-140-732	NEW-P	98-03-067	415-108-450	REP	98-09-059	434-60-060	DECOD	98-08-010
392-140-732	NEW	98-07-061	415-108-451	NEW	98-09-059	434-60-070	DECOD	98-08-010
392-140-733	NEW-P	98-03-067	415-108-453	NEW	98-09-059	434-60-080	DECOD	98-08-010
392-140-733	NEW	98-07-061	415-108-455	NEW	98-09-059	434-60-090	DECOD	98-08-010
392-140-735	NEW-P	98-03-067	415-108-456	NEW	98-09-059	434-60-100	DECOD	98-08-010
392-140-735	NEW	98-07-061	415-108-457	NEW	98-09-059	434-60-110	DECOD	98-08-010
392-140-736	NEW-P	98-03-067	415-108-458	NEW	98-09-059	434-60-120	DECOD	98-08-010
392-140-736	NEW	98-07-061	415-108-459	NEW	98-09-059	434-60-130	DECOD	98-08-010
392-140-740	NEW-P	98-03-067	415-108-460	REP	98-09-059	434-60-140	DECOD	98-08-010
392-140-740	NEW	98-07-061	415-108-463	NEW	98-09-059	434-60-150	DECOD	98-08-010
392-140-741	NEW-P	98-03-067	415-108-464	NEW	98-09-059	434-60-160	DECOD	98-08-010
392-140-741	NEW	98-07-061	415-108-465	NEW	98-09-059	434-60-170	DECOD	98-08-010
392-140-742	NEW-P	98-03-067	415-108-466	NEW	98-09-059	434-60-180	DECOD	98-08-010
392-140-742	NEW	98-07-061	415-108-467	NEW	98-09-059	434-60-190	DECOD	98-08-010
392-140-743	NEW-P	98-03-067	415-108-468	NEW	98-09-059	434-60-200	DECOD	98-08-010
392-140-743	NEW	98-07-061	415-108-469	NEW	98-09-059	434-60-210	DECOD	98-08-010
392-140-744	NEW-P	98-03-067	415-108-475	NEW	98-09-059	434-60-215	DECOD	98-08-010
392-140-744	NEW	98-07-061	415-108-477	NEW	98-09-059	434-60-220	DECOD	98-08-010
392-140-745	NEW-P	98-03-067	415-108-479	NEW	98-09-059	434-60-230	DECOD	98-08-010
392-140-745	NEW	98-07-061	415-108-482	NEW	98-09-059	434-60-240	DECOD	98-08-010
392-140-746	NEW-P	98-03-067	415-108-483	NEW	98-09-059	434-60-250	DECOD	98-08-010
392-140-746	NEW	98-07-061	415-108-484	NEW	98-09-059	434-60-260	DECOD	98-08-010
392-140-747	NEW-P	98-03-067	415-108-487	NEW	98-09-059	434-60-270	DECOD	98-08-010
392-140-747	NEW	98-07-061	415-108-488	NEW	98-09-059	434-60-280	DECOD	98-08-010
392-140-800	NEW	98-04-080	415-108-490	REP	98-09-059	434-60-290	DECOD	98-08-010
392-140-802	NEW	98-04-080	415-108-491	NEW	98-09-059	434-60-300	DECOD	98-08-010
392-140-804	NEW	98-04-080	415-112-445	AMD	98-09-059	434-60-310	DECOD	98-08-010
392-140-806	NEW	98-04-080	415-112-4608	AMD	98-09-059	434-60-320	DECOD	98-08-010
392-140-808	NEW	98-04-080	415-112-4609	AMD	98-09-059	434-60-330	DECOD	98-08-010
392-140-810	NEW	98-04-080	434-08-010	DECOD	98-08-010	434-60-340	DECOD	98-08-010
392-140-812	NEW	98-04-080	434-08-020	DECOD	98-08-010	434-60-350	DECOD	98-08-010
392-140-814	NEW	98-04-080	434-08-030	DECOD	98-08-010	434-69-005	DECOD	98-08-010
392-140-816	NEW	98-04-080	434-08-040	DECOD	98-08-010	434-69-010	DECOD	98-08-010
392-140-818	NEW	98-04-080	434-08-050	DECOD	98-08-010	434-69-020	DECOD	98-08-010
392-140-820	NEW	98-04-080	434-08-060	DECOD	98-08-010	434-69-030	DECOD	98-08-010
392-140-822	NEW	98-04-080	434-08-070	DECOD	98-08-010	434-69-040	DECOD	98-08-010
392-140-824	NEW	98-04-080	434-08-080	DECOD	98-08-010	434-69-050	DECOD	98-08-010
392-140-826	NEW	98-04-080	434-08-090	DECOD	98-08-010	434-69-060	DECOD	98-08-010
392-140-828	NEW	98-04-080	434-24-065	DECOD	98-08-010	434-69-070	DECOD	98-08-010
392-140-830	NEW	98-04-080	434-26-005	DECOD	98-08-010	434-69-080	DECOD	98-08-010
392-140-832	NEW	98-04-080	434-26-010	DECOD	98-08-010	434-80-010	DECOD	98-08-010
392-140-834	NEW	98-04-080	434-26-015	DECOD	98-08-010	434-80-020	DECOD	98-08-010
392-140-836	NEW	98-04-080	434-26-020	DECOD	98-08-010	434-80-030	DECOD	98-08-010
392-141	PREP	98-09-091	434-26-025	DECOD	98-08-010	434-80-040	DECOD	98-08-010
392-170-035	AMD	98-12-002	434-26-030	DECOD	98-08-010	434-80-050	DECOD	98-08-010
392-170-036	NEW	98-12-002	434-26-035	DECOD	98-08-010	434-80-060	DECOD	98-08-010
392-170-037	NEW	98-12-002	434-26-040	DECOD	98-08-010	434-80-070	DECOD	98-08-010
392-170-038	NEW	98-12-002	434-26-045	DECOD	98-08-010	434-81-010	DECOD	98-08-010
392-170-042	NEW	98-12-002	434-26-050	DECOD	98-08-010	434-81-020	DECOD	98-08-010
392-170-047	NEW	98-12-002	434-26-055	DECOD	98-08-010	434-81-030	DECOD	98-08-010
392-170-050	AMD	98-12-002	434-26-060	DECOD	98-08-010	434-81-040	DECOD	98-08-010
392-170-078	NEW	98-12-002	434-26-065	DECOD	98-08-010	434-81-050	DECOD	98-08-010
392-170-080	AMD	98-12-002	434-26-900	DECOD	98-08-010	434-81-060	DECOD	98-08-010

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
434-81-070	DECOD	98-08-010	434-260-030	RECOD	98-08-010	434-326-900	RECOD	98-08-010
434-81-080	DECOD	98-08-010	434-260-040	RECOD	98-08-010	434-332-010	RECOD	98-08-010
434-81-090	DECOD	98-08-010	434-260-050	RECOD	98-08-010	434-369-005	RECOD	98-08-010
434-81-100	DECOD	98-08-010	434-260-060	RECOD	98-08-010	434-369-010	RECOD	98-08-010
434-91-010	DECOD	98-08-010	434-260-070	RECOD	98-08-010	434-369-020	RECOD	98-08-010
434-91-020	DECOD	98-08-010	434-260-080	RECOD	98-08-010	434-369-030	RECOD	98-08-010
434-91-030	DECOD	98-08-010	434-260-090	RECOD	98-08-010	434-369-040	RECOD	98-08-010
434-91-040	DECOD	98-08-010	434-260-100	RECOD	98-08-010	434-369-050	RECOD	98-08-010
434-91-050	DECOD	98-08-010	434-260-110	RECOD	98-08-010	434-369-060	RECOD	98-08-010
434-91-060	DECOD	98-08-010	434-260-120	RECOD	98-08-010	434-369-070	RECOD	98-08-010
434-91-070	DECOD	98-08-010	434-260-130	RECOD	98-08-010	434-369-080	RECOD	98-08-010
434-91-080	DECOD	98-08-010	434-260-140	RECOD	98-08-010	434-380-010	RECOD	98-08-010
434-91-090	DECOD	98-08-010	434-260-150	RECOD	98-08-010	434-380-020	RECOD	98-08-010
434-91-100	DECOD	98-08-010	434-260-160	RECOD	98-08-010	434-380-030	RECOD	98-08-010
434-91-110	DECOD	98-08-010	434-260-170	RECOD	98-08-010	434-380-040	RECOD	98-08-010
434-91-120	DECOD	98-08-010	434-260-180	RECOD	98-08-010	434-380-050	RECOD	98-08-010
434-91-130	DECOD	98-08-010	434-260-190	RECOD	98-08-010	434-380-060	RECOD	98-08-010
434-91-140	DECOD	98-08-010	434-260-200	RECOD	98-08-010	434-380-070	RECOD	98-08-010
434-91-150	DECOD	98-08-010	434-260-210	RECOD	98-08-010	434-381-010	RECOD	98-08-010
434-91-160	DECOD	98-08-010	434-260-215	RECOD	98-08-010	434-381-020	RECOD	98-08-010
434-91-170	DECOD	98-08-010	434-260-220	RECOD	98-08-010	434-381-030	RECOD	98-08-010
434-110-060	AMD-E	98-13-042	434-260-230	RECOD	98-08-010	434-381-040	RECOD	98-08-010
434-110-060	AMD-XA	98-13-099	434-260-240	RECOD	98-08-010	434-381-050	RECOD	98-08-010
434-120-300	AMD-P	98-13-098	434-260-250	RECOD	98-08-010	434-381-060	RECOD	98-08-010
434-120-305	AMD-P	98-13-098	434-260-260	RECOD	98-08-010	434-381-070	RECOD	98-08-010
434-120-310	AMD-P	98-13-098	434-260-270	RECOD	98-08-010	434-381-080	RECOD	98-08-010
434-120-315	REP-P	98-13-098	434-260-280	RECOD	98-08-010	434-381-090	RECOD	98-08-010
434-120-317	REP-P	98-13-098	434-260-290	RECOD	98-08-010	434-381-100	RECOD	98-08-010
434-120-320	AMD-P	98-13-098	434-260-300	RECOD	98-08-010	434-840-001	AMD-P	98-13-111
434-120-335	REP-P	98-13-098	434-260-310	RECOD	98-08-010	434-840-005	AMD-P	98-13-111
434-120-340	REP-P	98-13-098	434-260-320	RECOD	98-08-010	434-840-010	AMD-P	98-13-111
434-120-350	REP-P	98-13-098	434-260-330	RECOD	98-08-010	434-840-020	AMD-P	98-13-111
434-180-130	AMD-P	98-13-100	434-260-340	RECOD	98-08-010	434-840-030	AMD-P	98-13-111
434-180-200	AMD-P	98-13-100	434-260-350	RECOD	98-08-010	434-840-040	AMD-P	98-13-111
434-180-203	NEW-P	98-13-100	434-291-010	RECOD	98-08-010	434-840-050	REP-P	98-13-111
434-180-215	AMD-P	98-13-100	434-291-020	RECOD	98-08-010	434-840-060	AMD-P	98-13-111
434-180-235	REP-P	98-13-100	434-291-030	RECOD	98-08-010	434-840-070	AMD-P	98-13-111
434-180-240	AMD-P	98-13-100	434-291-040	RECOD	98-08-010	434-840-080	AMD-P	98-13-111
434-180-245	AMD-P	98-13-100	434-291-050	RECOD	98-08-010	434-840-090	REP-P	98-13-111
434-208-010	RECOD	98-08-010	434-291-060	RECOD	98-08-010	434-840-100	AMD-P	98-13-111
434-208-020	RECOD	98-08-010	434-291-070	RECOD	98-08-010	434-840-110	AMD-P	98-13-111
434-208-030	RECOD	98-08-010	434-291-080	RECOD	98-08-010	434-840-120	REP-P	98-13-111
434-208-040	RECOD	98-08-010	434-291-090	RECOD	98-08-010	434-840-130	REP-P	98-13-111
434-208-050	RECOD	98-08-010	434-291-100	RECOD	98-08-010	434-840-200	AMD-P	98-13-111
434-208-060	RECOD	98-08-010	434-291-110	RECOD	98-08-010	434-840-210	AMD-P	98-13-111
434-208-070	RECOD	98-08-010	434-291-120	RECOD	98-08-010	434-840-220	AMD-P	98-13-111
434-208-080	RECOD	98-08-010	434-291-130	RECOD	98-08-010	434-840-230	AMD-P	98-13-111
434-208-090	RECOD	98-08-010	434-291-140	RECOD	98-08-010	434-840-240	AMD-P	98-13-111
434-230-030	AMD	98-03-033	434-291-150	RECOD	98-08-010	434-840-300	REP-P	98-13-111
434-230-150	RECOD	98-03-033	434-291-160	RECOD	98-08-010	434-840-310	AMD-P	98-13-111
434-230-160	AMD	98-03-033	434-291-170	RECOD	98-08-010	434-840-320	AMD-P	98-13-111
434-236-090	AMD	98-03-033	434-324-035	AMD	98-03-033	434-840-330	AMD-P	98-13-111
434-236-170	AMD	98-03-033	434-324-050	AMD	98-03-033	434-840-340	AMD-P	98-13-111
434-240-190	AMD	98-03-033	434-324-060	AMD	98-03-033	434-840-350	AMD-P	98-13-111
434-240-230	AMD	98-03-033	434-324-065	RECOD	98-08-010	434-840-360	AMD-P	98-13-111
434-240-235	NEW	98-03-033	434-324-085	AMD	98-03-033	440-26-010	PREP	98-09-093
434-240-320	NEW	98-03-033	434-324-095	AMD	98-03-033	440-26-210	PREP	98-09-093
434-253-050	AMD	98-03-033	434-324-105	AMD	98-03-033	440-26-215	PREP	98-09-093
434-253-110	AMD	98-03-033	434-324-120	AMD	98-03-033	446-20-610	PREP	98-11-037
434-257-010	RECOD	98-08-010	434-324-130	AMD	98-03-033	458-12-245	REP-XR	98-08-018
434-257-020	RECOD	98-08-010	434-326-005	RECOD	98-08-010	458-16-050	REP-XR	98-08-018
434-257-030	RECOD	98-08-010	434-326-010	RECOD	98-08-010	458-16-110	PREP	98-07-016
434-257-040	RECOD	98-08-010	434-326-015	RECOD	98-08-010	458-16-111	PREP	98-07-016
434-257-050	RECOD	98-08-010	434-326-020	RECOD	98-08-010	458-16-165	PREP	98-07-016
434-257-070	RECOD	98-08-010	434-326-025	RECOD	98-08-010	458-16-300	PREP	98-07-016
434-257-080	RECOD	98-08-010	434-326-030	RECOD	98-08-010	458-16-310	PREP	98-07-016
434-257-090	RECOD	98-08-010	434-326-035	RECOD	98-08-010	458-20-104	AMD-E	98-02-046
434-257-100	RECOD	98-08-010	434-326-040	RECOD	98-08-010	458-20-104	AMD-XA	98-10-123
434-257-120	RECOD	98-08-010	434-326-045	RECOD	98-08-010	458-20-104	AMD-E	98-11-006
434-257-130	RECOD	98-08-010	434-326-050	RECOD	98-08-010	458-20-183	PREP	98-05-031
434-257-150	RECOD	98-08-010	434-326-055	RECOD	98-08-010	458-20-192	PREP	98-07-066
434-260-010	RECOD	98-08-010	434-326-060	RECOD	98-08-010	458-20-192	PREP	98-09-036
434-260-020	RECOD	98-08-010	434-326-065	RECOD	98-08-010	458-20-216	PREP	98-11-083

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
458-20-259	AMD-XA	98-12-004	468-84-220	REP-P	98-07-005	478-160-015	AMD	98-10-048
458-40-660	PREP	98-05-074	468-84-220	REP	98-11-045	478-160-095	AMD-P	98-05-066
458-40-660	AMD-P	98-10-124	468-84-230	REP-P	98-07-005	478-160-095	AMD	98-10-048
458-50-095	PREP	98-07-015	468-84-230	REP	98-11-045	478-160-110	AMD-P	98-05-066
460-32A-400	PREP	98-07-101	468-84-240	REP-P	98-07-005	478-160-110	AMD	98-10-048
460-44A-050	PREP	98-07-102	468-84-240	REP	98-11-045	478-160-120	REP-P	98-05-066
460-44A-500	AMD-P	98-08-055	468-84-250	REP-P	98-07-005	478-160-120	REP	98-10-048
460-44A-500	AMD	98-11-014	468-84-250	REP	98-11-045	478-160-142	NEW-P	98-05-066
460-44A-501	AMD-P	98-08-055	468-84-260	REP-P	98-07-005	478-160-142	NEW	98-10-048
460-44A-501	AMD	98-11-014	468-84-260	REP	98-11-045	478-160-143	NEW-P	98-05-066
460-44A-502	AMD-P	98-08-055	468-84-300	REP-P	98-07-005	478-160-143	NEW	98-10-048
460-44A-502	AMD	98-11-014	468-84-300	REP	98-11-045	478-160-150	AMD-P	98-05-066
460-44A-503	AMD-P	98-08-055	468-84-310	REP-P	98-07-005	478-160-150	AMD	98-10-048
460-44A-503	AMD	98-11-014	468-84-310	REP	98-11-045	478-160-246	AMD-P	98-05-066
460-44A-504	AMD-P	98-08-055	468-84-320	REP-P	98-07-005	478-160-246	AMD	98-10-048
460-44A-504	PREP	98-09-003	468-84-320	REP	98-11-045	478-160-270	AMD-P	98-05-066
460-44A-504	AMD	98-11-014	468-85	PREP	98-03-031	478-160-270	AMD	98-10-048
460-44A-506	AMD-P	98-08-055	468-85-010	AMD-P	98-07-006	478-160-275	AMD-P	98-05-066
460-44A-506	AMD	98-11-014	468-85-010	AMD	98-11-046	478-160-275	AMD	98-10-048
460-44A-508	AMD-P	98-08-055	468-85-015	AMD-P	98-07-006	478-160-280	AMD-P	98-05-066
460-44A-508	AMD	98-11-014	468-85-015	AMD	98-11-046	478-160-280	AMD	98-10-048
463-54-070	AMD-W	98-08-092	468-85-110	AMD-P	98-07-006	478-160-280	AMD	98-10-048
468-30-030	REP-XR	98-13-060	468-85-110	AMD	98-11-046	478-160-295	AMD-P	98-05-066
468-38-070	AMD-P	98-06-016	468-85-120	AMD-P	98-07-006	478-160-295	AMD	98-10-048
468-38-070	AMD	98-09-029	468-85-120	AMD	98-11-046	480-09	PREP	98-05-056
468-38-070	AMD-E	98-12-097	468-85-130	AMD-P	98-07-006	480-80-330	AMD	98-04-028
468-38-071	AMD-E	98-12-097	468-85-130	AMD	98-11-046	480-92	PREP	98-06-050
468-38-110	PREP	98-06-023	468-85-210	AMD-P	98-07-006	480-110	PREP	98-05-056
468-38-110	AMD-P	98-10-038	468-85-210	AMD	98-11-046	480-120-027	AMD	98-04-028
468-38-110	AMD-S	98-13-101	468-85-220	AMD-P	98-07-006	480-120-045	NEW-P	98-03-011
468-38-120	AMD-E	98-08-057	468-85-220	AMD	98-11-046	480-120-045	NEW-S	98-12-071
468-38-120	PREP	98-08-089	468-85-230	AMD-P	98-07-006	480-120-400	REP-S	98-12-071
468-38-120	AMD-P	98-12-096	468-85-230	AMD	98-11-046	480-120-405	REP-S	98-12-071
468-38-160	AMD-E	98-09-090	468-85-240	AMD-P	98-07-006	480-120-410	REP-S	98-12-071
468-38-160	PREP	98-10-037	468-85-240	AMD	98-11-046	480-120-410	REP-S	98-12-071
468-38-260	PREP	98-04-043	468-85-250	AMD-P	98-07-006	480-120-420	REP-S	98-12-071
468-38-260	AMD-E	98-04-045	468-85-250	AMD	98-11-046	480-120-425	REP-S	98-12-071
468-38-260	AMD-P	98-08-090	468-85-260	REP-P	98-07-006	480-120-430	REP-S	98-12-071
468-38-260	AMD	98-12-063	468-85-260	REP	98-11-046	480-120-435	REP-S	98-12-071
468-58	PREP	98-10-089	468-85-270	REP-P	98-07-006	480-120-540	NEW-P	98-11-082
468-51	PREP	98-07-049	468-85-270	REP	98-11-046	480-121-040	PREP	98-05-055
468-52	PREP	98-07-048	468-85-280	REP-P	98-07-006	480-122-020	PREP	98-09-033
468-54	PREP	98-05-037	468-85-280	REP	98-11-046	480-122-020	AMD-P	98-12-070
468-58	PREP	98-10-089	468-85-290	AMD-P	98-07-006	480-122-070	AMD-P	98-12-070
468-72-050	PREP	98-12-095	468-85-290	AMD	98-11-046	480-123-010	NEW	98-04-028
468-82	PREP	98-03-032	468-85-310	AMD-P	98-07-006	495D-104-010	AMD-P	98-06-020
468-82-010	REP-P	98-07-004	468-85-310	AMD	98-11-046	495D-104-010	AMD	98-09-031
468-82-010	REP	98-11-044	468-300-010	AMD-P	98-03-050	495E-104-010	REP	98-02-037
468-82-015	REP-P	98-07-004	468-300-010	AMD	98-08-051	516-56-001	AMD-P	98-05-048
468-82-015	REP	98-11-044	468-300-020	AMD-P	98-03-050	516-56-002	REP-P	98-05-048
468-82-110	REP-P	98-07-004	468-300-020	AMD	98-08-051	516-56-010	REP-P	98-05-048
468-82-110	REP	98-11-044	468-300-040	AMD-P	98-03-050	516-56-011	REP-P	98-05-048
468-82-120	REP-P	98-07-004	468-300-040	AMD	98-08-051	516-56-012	REP-P	98-05-048
468-82-120	REP	98-11-044	468-300-020	AMD-P	98-03-050	516-56-020	REP-P	98-05-048
468-82-200	REP-P	98-07-004	468-300-220	AMD	98-08-051	516-56-021	REP-P	98-05-048
468-82-200	REP	98-11-044	468-400-010	NEW-E	98-03-009	516-56-022	REP-P	98-05-048
468-84	PREP	98-03-030	468-400-010	NEW-E	98-03-059	516-56-023	REP-P	98-05-048
468-84-010	REP-P	98-07-005	468-400-010	NEW	98-06-029	516-56-030	REP-P	98-05-048
468-84-010	REP	98-11-045	468-400-020	NEW-E	98-03-009	516-56-040	REP-P	98-05-048
468-84-015	REP-P	98-07-005	468-400-020	NEW-P	98-03-059	516-56-050	REP-P	98-05-048
468-84-015	REP	98-11-045	468-400-020	NEW	98-06-029	516-56-060	REP-P	98-05-048
468-84-110	REP-P	98-07-005	468-400-030	NEW-E	98-03-009	516-56-070	REP-P	98-05-048
468-84-110	REP	98-11-045	468-400-030	NEW-P	98-03-059	516-56-080	REP-P	98-05-048
468-84-120	REP-P	98-07-005	468-400-030	NEW	98-06-029	516-56-090	REP-P	98-05-048
468-84-120	REP	98-11-045	468-400-040	NEW-E	98-03-009			
468-84-130	REP-P	98-07-005	468-400-040	NEW-P	98-03-059			
468-84-130	REP	98-11-045	468-400-040	NEW	98-06-029			
468-84-135	REP-P	98-07-005	468-510	PREP	98-04-044			
468-84-135	REP	98-11-045	468-510-010	NEW-P	98-08-030			
468-84-200	REP-P	98-07-005	468-510-010	NEW	98-12-062			
468-84-200	REP	98-11-045	468-510-020	NEW-P	98-08-030			
468-84-210	REP-P	98-07-005	468-510-020	NEW	98-12-062			
468-84-210	REP	98-11-045	478-160-015	AMD-P	98-05-066			



Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

ACCOUNTANCY, BOARD OF

Address changes
 PROP 98-01-227
 PROP 98-05-020
 PROP 98-07-025
 PERM 98-12-023

Adjudicative proceedings
 PROP 98-01-226
 PROP 98-05-020
 PROP 98-07-025
 PERM 98-12-022

Board inquiries, duty to respond
 PROP 98-01-228
 PROP 98-05-020
 PROP 98-07-025
 PERM 98-12-047

Compensation
 PROP 98-01-231
 PROP 98-05-020
 PROP 98-07-025
 PERM 98-12-055

Continuing professional education
 PROP 98-01-233
 PROP 98-05-020
 PROP 98-07-025
 PERM 98-12-051

Definitions
 PROP 98-01-224
 PROP 98-05-020
 PROP 98-07-025
 PERM 98-12-020

Fees
 PROP 98-01-234
 PROP 98-05-020
 PROP 98-07-025

Independence
 PROP 98-01-230
 PROP 98-05-020
 PROP 98-07-025
 PERM 98-12-049
 PERM 98-12-056

Integrity and objectivity
 PROP 98-01-229
 PROP 98-05-020
 PROP 98-07-025
 PERM 98-12-048

Meetings
 MISC 98-02-031
 PROP 98-05-020

Public records, availability
 PROP 98-01-225
 PROP 98-05-020
 PROP 98-07-025
 PERM 98-12-021

Standards, compliance
 PROP 98-01-232
 PROP 98-05-020
 PROP 98-07-025
 PERM 98-12-050

ADMINISTRATIVE HEARINGS, OFFICE OF

Rules coordinator MISC 98-01-045

AGRICULTURE, DEPARTMENT OF

Animal health
 brucellosis vaccine PREP 98-08-022
 PREP 98-11-010
 laboratory testing services and fees PREP 98-05-104
 PROP 98-09-104
 PREP 98-08-023
 scrapie control

Apple advertising commission
 assessments PREP 98-06-083
PROP 98-13-121

Apple maggot quarantine area
 Skagit County PREP 98-04-078
 PROP 98-08-108
 PERM 98-12-091

Asparagus commission
 meetings MISC 98-01-088
 promotional hosting expenses PREP 98-08-099
 PROP 98-12-017

Barley commission
 meetings MISC 98-02-042
 MISC 98-06-021

Beef commission
 meetings MISC 98-03-007

Bulb commission
 meetings MISC 98-01-123

Canola and rapeseed commission
 establishment PERM 98-04-093

Cattle
 brucellosis vaccine PREP 98-08-022
 PREP 98-11-010
 livestock identification PREP 98-08-034
 scrapie control PREP 98-08-023

Cranberry commission
 board members, nomination and election **PREP 98-13-119**
 Emergency adjudicative proceedings EXAD 98-04-082
 PERM 98-09-085

Feeds, commercial
 definitions PREP 98-12-039

Fertilizers
 aerial applicators alliance, appeal **MISC 98-13-047**
 application rates for commercial fertilizers PREP 98-10-116
 EMER 98-12-018
 PREP 98-12-078
 EMER 98-13-013

nonnutritive substances,
 analysis methods PREP 98-10-117
 EMER 98-12-018
 PREP 98-12-078
 EMER 98-13-013

Food products
 labeling EXRE 98-08-020
PERM 98-13-029
 PERM 98-02-023

violations, penalty assessments

Food safety
 federal regulations uniformity EXAD 98-04-076
 PERM 98-09-048

Food storage warehouses
 independent sanitation consultants PERM 98-03-089

Fruit commission
 pear assessments PROP 98-03-081
 PROP 98-10-094

Fruits and vegetables
 inspections PREP 98-03-008
 PROP 98-07-032
 PERM 98-10-083

Garlic seed
 certification EXRE 98-07-108
 EXAD 98-07-109
 PERM 98-11-048
PERM 98-13-033

Grain
 inspections PREP 98-03-088
 PROP 98-07-106
 PROP 98-11-024
 PERM 98-12-058

Honey
 use of seal EXRE 98-08-019
PERM 98-13-030

Hop commission
 assessments PROP 98-02-073
PERM 98-13-122
 MISC 98-01-122

meetings

Hops
 rootstock certification PROP 98-06-082
 PERM 98-09-049

Integrated pest management, interagency
 coordinating committee meetings MISC 98-06-081
 Livestock identification program PREP 98-08-034

Milk and milk products
 butterfat testing PREP 98-04-075

Noxious weed control board
 meetings MISC 98-03-010
 MISC 98-04-042
 PREP 98-04-077
 PROP 98-08-109

noxious weed list

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	PREP 98-12-069	national handbooks, adoption	PREP 98-07-069
penalty schedule	PERM 98-13-008		PROP 98-10-118
purple nutsedge quarantine	PREP 98-12-069		PERM 98-13-072
yellow nutsedge quarantine	PREP 98-11-100		PERM 98-01-014
	PERM 98-01-056	national type evaluation program	
	EMER 98-01-057		
Organic food		ARTS COMMISSION	
processor certification	PERM 98-01-221	Meetings	MISC 98-01-061
Pesticide registration, commission on meetings	MISC 98-01-063		MISC 98-07-010
	MISC 98-05-033	Practice and procedure	MISC 98-13-014
Pesticides			PREP 98-09-082
aerial applicators alliance, appeal	MISC 98-13-047	ASIAN PACIFIC AMERICAN AFFAIRS, COMMISSION ON	
strychnine formulations, restrictions	PREP 98-07-003	Meetings	MISC 98-01-097
	PROP 98-10-069		MISC 98-12-029
Plant pests		ATTORNEY GENERAL'S OFFICE	
definitions and inspection procedures	PREP 98-05-105	Charitable trusts, registration	EXRE 98-07-053
	PROP 98-13-129		PERM 98-13-046
chrysanthemum white rust disease quarantine	PREP 98-07-107	Notice of request for opinion	MISC 98-03-002
	PROP 98-10-115		MISC 98-05-072
	PROP 98-13-127		MISC 98-07-044
	PROP 98-13-128		MISC 98-07-045
			MISC 98-10-051
			MISC 98-12-024
			MISC 98-13-130
Quarantine		Opinions	
apple maggot	PREP 98-04-078	air pollution control authorities, members (1998, No. 7)	MISC 98-12-019
	PROP 98-08-108	community college presidents, salaries (1998, No. 1)	MISC 98-05-075
chrysanthemum white rust disease	PREP 98-07-107	Growth Management Act, platting and subdivisions (1998, No. 4)	MISC 98-08-015
	PROP 98-10-115	inspection and copying of agency lists of individuals (1998, No. 2)	MISC 98-05-076
	PROP 98-13-127	major parties, officers and duties (1997, No. 8)	MISC 98-01-049
	PROP 98-13-128	public transportation benefit area project contracts (1998, No. 3)	MISC 98-05-077
purple nutsedge	PREP 98-11-100	state treasurer, deposit and transfer of funds (1998, No. 5)	MISC 98-08-016
yellow nutsedge	PERM 98-01-056	superintendent of public instruction, duties (1998, No. 6)	MISC 98-08-017
	EMER 98-01-057	Public records, availability	PERM 98-01-013
Red raspberry commission		BATES TECHNICAL COLLEGE	
grades and standards	PREP 98-13-120	Meetings	MISC 98-12-100
marketing order	PREP 98-13-120		
meetings	MISC 98-01-173	BELLEVUE COMMUNITY COLLEGE	
	MISC 98-09-027	Tuition and fee waivers	PERM 98-03-044
Refrigerated locker establishments		BELLINGHAM TECHNICAL COLLEGE	
recording thermometers	PREP 98-02-013	Meetings	MISC 98-01-003
Return to work initiative	PROP 98-09-067		MISC 98-02-044
Rules agenda	MISC 98-03-087		MISC 98-04-074
	MISC 98-09-121		MISC 98-06-085
Seed potatoes			MISC 98-08-095
Whatcom County isolation district	EXAD 98-05-106		MISC 98-10-023
	PERM 98-09-071		MISC 98-11-004
Seeds			MISC 98-11-021
certification fees	PREP 98-06-093		MISC 98-11-042
	PREP 98-06-094		MISC 98-13-031
	PROP 98-09-100		MISC 98-01-002
	PROP 98-09-101		
	PERM 98-12-031		
	PERM 98-12-032		
garlic seed certification	EXRE 98-07-108		
	EXAD 98-07-109		
	PERM 98-11-048		
Semen, commercial production	EXRE 98-08-080		
	PERM 98-13-118		
Turf grass commission creation	PREP 98-07-098	Rules coordinator	
Weights and measures		BENTON COUNTY CLEAN AIR AUTHORITY	
liquefied petroleum gas	PREP 98-07-067	Meetings	MISC 98-05-016
	PROP 98-10-119		
	PERM 98-13-073		
metrology laboratory fees	PREP 98-06-096	BOILER RULES, BOARD OF	
	PROP 98-09-099	(See LABOR AND INDUSTRIES, DEPARTMENT OF)	
	PERM 98-12-030	BUILDING CODE COUNCIL	
motor and heating fuel pricing	PREP 98-07-068	Building code	
	PROP 98-10-120	1997 edition	PERM 98-02-054
	PERM 98-13-074	amendments, policies and procedures for	PREP 98-13-052

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Energy code review and update	PERM 98-02-053 PERM 98-03-003 PROP 98-05-064 PROP 98-05-065	COMMUNITY ECONOMIC REVITALIZATION BOARD (See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)	
Fire code 1997 edition	PERM 98-02-056	COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF	
Meetings	MISC 98-03-037	Archaeology and historic preservation public records	PERM 98-05-027
Plumbing code 1997 edition	PERM 98-02-055	Building permit charges and fees	PREP 98-09-096
Policies and procedures	PERM 98-02-048	Community economic revitalization board meetings	MISC 98-07-030 MISC 98-09-037 MISC 98-13-002 PERM 98-05-027
Public records	PERM 98-02-049	Energy office public disclosure	
Temporary worker housing code exemptions	PREP 98-13-051	Growth management project consistency analysis criteria	PREP 98-01-133
Ventilation and indoor air quality	PERM 98-02-047	Historic registers, application process	PREP 98-12-098
CASCADIA COMMUNITY COLLEGE		Housing assistance	
Meetings	MISC 98-01-076	local Section 8 payments program	PERM 98-05-027
CENTRAL WASHINGTON UNIVERSITY		Long-term care ombudsman program	PREP 98-09-081 PREP 98-11-018
Meetings	MISC 98-06-032	Low-income home energy assistance program	MISC 98-11-029
CENTRALIA COLLEGE		Public records	PERM 98-05-027
Meetings	MISC 98-01-086	Public works board meetings	MISC 98-01-058 MISC 98-01-059 MISC 98-05-009 MISC 98-05-010 MISC 98-07-027 PROP 98-07-033 MISC 98-01-143
CLARK COLLEGE		rules review	
Discrimination or harassment grievance procedure	PREP 98-09-032	Rules coordinator	
Meetings	MISC 98-01-172	CONSERVATION COMMISSION	
CODE REVISER'S OFFICE		Meetings	MISC 98-09-026
Expedited repeals, filing	EXAD 98-09-083	CONVENTION AND TRADE CENTER	
Quarterly reports 97-19 - 97-24 See Issue 98-02		Meetings	MISC 98-01-041 MISC 98-03-015 MISC 98-06-017 MISC 98-07-043 MISC 98-09-006 MISC 98-09-030 MISC 98-11-043 MISC 98-13-061
COLUMBIA RIVER GORGE COMMISSION		CORRECTIONS, DEPARTMENT OF	
Practice and procedure	PROP 98-09-069	Correctional industries board meetings	MISC 98-11-016
Public records, availability	PROP 98-09-069	Jails	
COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR		communicable disease information	PROP 98-02-074
Capital projects and acquisition of realty	PROP 98-06-073 PROP 98-07-059	Prisons	PROP 98-01-152
Courses utilizing supplemental funding, charges	PROP 98-10-044	discipline	PERM 98-04-086
Employees definitions	PROP 98-10-113	COUNTY ROAD ADMINISTRATION BOARD	
political activity participation	PROP 98-10-114	Meetings	MISC 98-01-004 MISC 98-02-022 MISC 98-06-011 MISC 98-10-075 MISC 98-01-010 PROP 98-05-036 PROP 98-06-044 PROP 98-06-045 PERM 98-09-070
Exceptional faculty awards program	PROP 98-10-046	Rules coordinator	
Financial aid fund	PROP 98-06-074 PROP 98-07-059	Rural arterial program	
General educational development (GED) test	PROP 98-10-045	CRIMINAL JUSTICE TRAINING COMMISSION	
Interdistrict programs	PROP 98-10-112	Meetings	MISC 98-03-064
Organization and operation	PROP 98-06-071 PROP 98-07-059 PROP 98-10-074 PROP 98-10-111 PROP 98-10-043 PROP 98-10-111 PROP 98-06-069 PROP 98-07-059 PROP 98-06-070 PROP 98-07-059 EMER 98-01-108 PROP 98-06-075 PROP 98-08-028 EMER 98-09-044 PROP 98-06-072 PROP 98-07-059 PROP 98-10-047	EASTERN WASHINGTON UNIVERSITY	
Project even start	PROP 98-10-043	Meetings	MISC 98-02-043 MISC 98-03-063 MISC 98-05-067
Public records, availability	PROP 98-10-111		
Resident student, definition	PROP 98-06-069 PROP 98-07-059		
Running start program	PROP 98-06-070 PROP 98-07-059		
TIAA/CREF retirement plan	EMER 98-01-108 PROP 98-06-075 PROP 98-08-028 EMER 98-09-044		
Tuition and fees	PROP 98-06-072 PROP 98-07-059 PROP 98-10-047		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	MISC	98-06-033		EMER	98-13-083
	MISC	98-08-056		PROP	98-13-115
	MISC	98-10-077	sewage discharge into Lake Washington	EXRE	98-08-060
	MISC	98-11-053		PERM	98-13-050
ECOLOGY, DEPARTMENT OF				MISC	98-01-098
Agricultural burning			wastewater discharge from boatyards	PERM	98-03-046
grass seed fields	PREP	98-01-182	wastewater discharge permit fee		
	PROP	98-08-079	water pollution control revolving fund	PREP	98-12-044
	PERM	98-12-016	Water rights application processing	EMER	98-04-018
Air quality				PROP	98-04-019
aluminum smelters, emissions	PREP	98-10-090	Columbia River withdrawals	PERM	98-06-042
federal requirements, incorporation	EXAD	98-10-034	Wells	PERM	98-08-062
gasoline vapor recovery	PERM	98-01-184	construction and maintenance standards	PROP	98-04-020
new source review program	PERM	98-01-183		PERM	98-08-032
ozone and particulate matter standards	MISC	98-12-101		EXRE	98-08-061
Washington State University waste incinerator	MISC	98-12-057		PROP	98-08-093
Biosolids management	PERM	98-05-101		EMER	98-10-033
	MISC	98-08-050		PERM	98-13-112
Columbia River Gorge National Scenic Area forest practice rules	EXAD	98-03-071	contractor and operator licensing	PROP	98-04-020
	PERM	98-08-058		PERM	98-08-031
Contaminated sites				PROP	98-08-093
public participation grants	MISC	98-13-113	Yard waste		
	MISC	98-13-114	Green Mulch facilities	MISC	98-08-059
Dangerous waste regulations update	PERM	98-03-018			
	PROP	98-05-062			
Forest practices to protect water quality			ECONOMIC DEVELOPMENT FINANCE AUTHORITY		
	EXAD	98-01-219	Meetings	MISC	98-02-035
	PROP	98-04-021			
	PROP	98-04-069	EDMONDS COMMUNITY COLLEGE		
	PERM	98-07-026	Meetings	MISC	98-01-001
	EMER	98-07-103		MISC	98-01-008
	EMER	98-13-083		MISC	98-01-044
	PROP	98-13-115		MISC	98-02-034
Landfills				MISC	98-05-019
emission guidelines	PREP	98-06-090		MISC	98-06-063
	PROP	98-09-097		MISC	98-09-010
Marine safety	PERM	98-03-073		MISC	98-09-034
Marine spill response			EDUCATION, STATE BOARD OF	MISC	98-10-078
tank barges	MISC	98-09-013	Administrators		
Perchloroethylene dry cleaning systems	PERM	98-04-061	certification	PERM	98-01-029
	EXAD	98-04-062		PROP	98-01-201
	EXAD	98-11-099		PREP	98-04-087
Public records, availability				PERM	98-05-022
Resource damage assessment committee	MISC	98-03-060	Central purchasing	PROP	98-10-102
Resource discharge permittee	PERM	98-03-046		PROP	98-01-196
Rules agenda	MISC	98-04-051		PERM	98-05-021
Shoreline Management Act			Certification		
lakes constituting shorelines, designation	PERM	98-09-098	test criteria	PREP	98-06-030
Spill prevention, preparedness, and response merger evaluation committee meetings	MISC	98-06-086	unprofessional conduct	PREP	98-08-038
State Environmental Policy Act (SEPA), compliance requirements			Definitions		
	EXAD	98-01-085	high school credit	PREP	98-06-028
	PERM	98-06-092	impact on student learning	PERM	98-01-025
	PREP	98-12-092	Early childhood education		
model ordinance			subject area endorsement	PROP	98-01-203
Stormwater				PERM	98-05-023
permit for construction activities	MISC	98-06-091	Educational service districts	PROP	98-01-195
Underground storage tanks				PERM	98-05-003
fees	EXAD	98-10-091	Educational staff associates certification	PERM	98-01-029
Waste reduction and recycling				PROP	98-01-201
used oil recycling	MISC	98-01-181	exchange permits	PROP	98-10-103
vehicle battery recycling	MISC	98-01-181		PROP	98-04-089
waste tire carriers and storage sites	MISC	98-01-181	Funding of schools	PERM	98-08-068
Water			state support	PREP	98-01-099
forest practices to protect water quality	EXAD	98-01-219		PROP	98-04-088
	PROP	98-04-021	High schools	PERM	98-08-039
	PROP	98-04-069	credit, definition	PREP	98-06-028
	PERM	98-07-026	graduation requirements	PROP	98-01-198
	EMER	98-07-103		PERM	98-05-005

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Meetings	MISC 98-05-013	Meetings	MISC 98-10-070
	MISC 98-13-076		MISC 98-12-001
Preschool accreditation	PROP 98-01-200	Organization and operation	PERM 98-01-078
	PERM 98-05-007	Review of rules	PERM 98-01-079
Principals		State Environmental Policy Act (SEPA),	
certification	PERM 98-01-030	compliance requirements	PERM 98-01-082
initial endorsement			
experience requirement	PREP 98-04-087		
	PROP 98-10-102	ENGINEERS AND LAND SURVEYORS	
internships	PERM 98-01-023	(See LICENSING, DEPARTMENT OF)	
Private schools			
definitions	PREP 98-10-024	EVERETT COMMUNITY COLLEGE	
Pupils		Traffic control	PREP 98-11-098
uniform entry qualifications	PROP 98-01-197		
	PERM 98-05-004	EXECUTIVE ETHICS BOARD	
Real property sales contracts	PROP 98-01-194	Administrative procedures	
	PERM 98-05-002	advisory opinions	PERM 98-03-045
		correction to filing date	PERM 98-03-045
School nurses, therapists, and speech-language		compensation	PERM 98-04-001
pathologists or audiologists certification	PERM 98-01-027	hearings	PREP 98-11-026
School plant facilities		investigations	PREP 98-11-026
state assistance	PREP 98-06-001	Organization and operation	PREP 98-10-088
	PREP 98-06-003	Personal use of state computers	PERM 98-08-054
	PREP 98-06-004	Rules coordinator	MISC 98-09-072
	PREP 98-06-005		
	PREP 98-06-006	FINANCIAL INSTITUTIONS, DEPARTMENT OF	
	PREP 98-06-007	Credit unions	
	PREP 98-06-008	adoption of new rules	PREP 98-13-084
School psychologists		effective date of new rules	MISC 98-10-072
internship	PERM 98-01-028	Entry of orders	PERM 98-01-072
Teachers		Rules agenda	MISC 98-04-029
assignment within districts	PERM 98-01-031	Securities	
certification		condominium or real estate development	
expiration date	PROP 98-01-202	unit sales	PREP 98-07-101
	PERM 98-05-024	exempt transactions	PREP 98-09-003
requirements	PERM 98-01-027	filing requirements	PREP 98-11-015
continuing education	PERM 98-01-034	investment companies	PERM 98-01-071
excellence in teacher preparation award	PERM 98-01-024	isolated transaction exemption	PREP 98-07-102
limited certificates	PERM 98-01-033	National Securities Markets Improvement	
preparation programs	PERM 98-01-032	Act	PROP 98-08-055
Transportation		registration	PERM 98-11-014
state assistance	PREP 98-06-002	nonissuer transactions	PREP 98-03-041
Vocational education		Washington land bank	PREP 98-09-004
certification requirements	PERM 98-01-026		EXRE 98-13-096
programs	PROP 98-01-199		
	PERM 98-05-006	FINANCIAL MANAGEMENT, OFFICE OF	
Vocational-technical institutes		Claim payments	PERM 98-01-022
modernization financing	PROP 98-01-192	Pay dates for 1999	PREP 98-06-064
	PERM 98-09-052		PROP 98-09-084
Waivers for restructuring purposes	PROP 98-01-193	Rules coordinator	MISC 98-07-014
	PERM 98-05-001		
		FIRE PROTECTION POLICY BOARD	
EMPLOYMENT SECURITY DEPARTMENT		(See WASHINGTON STATE PATROL)	
Employee conflict of interest	EXRE 98-07-023		
Reports and contributions, due dates	EXRE 98-07-024	FISH AND WILDLIFE, DEPARTMENT OF	
	PROP 98-09-105	Aquatic nuisance species	
	PROP 98-09-106	management plan	MISC 98-11-104
Rules agenda	MISC 98-04-047	Fish and wildlife commission	
Rules coordinator	MISC 98-02-005	commissioners,	
Timber retraining benefits	PREP 98-01-185	abstention requirements	PREP 98-07-017
	PROP 98-01-186		PROP 98-10-098
	PERM 98-05-042	meetings	MISC 98-11-055
Unemployment benefits		<u>Fishing, commercial</u>	
academic year, definition	EMER 98-13-015	beam trawl and otter trawl logbooks	PROP 98-09-087
claims filing	PERM 98-06-097	bottomfish	
community and technical college part-time		coastal bottomfish	
faculty	PREP 98-08-072	catch limits	EMER 98-02-019
electronic labor exchange system	PREP 98-13-097		EXAD 98-09-080
		conservation	EMER 98-10-059
ENERGY FACILITY SITE EVALUATION COUNCIL		Puget Sound bottomfish	PERM 98-05-043
Adjudicative proceedings	PERM 98-01-083	catch limits	
	PERM 98-01-084		EMER 98-02-033
Definitions	PERM 98-01-080		EMER 98-02-039
Enforcement actions	PERM 98-01-081	trawl seasons	EMER 98-01-110
	PROP 98-08-092	cod	
		commercial purchasers, duties	EMER 98-01-110

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

conservation areas	PROP	98-09-089	Clearwater River	EMER	98-10-061
crab fishery			Cloquallum Creek	EMER	98-06-035
seasons, areas, and gear	EMER	98-01-074	Coffee Pot Lake	EMER	98-06-059
	EMER	98-02-002	Columbia River	EMER	98-06-038
	EMER	98-04-034		EMER	98-06-041
	EMER	98-05-025		EMER	98-07-031
	EMER	98-07-054	Cowlitz River	EMER	98-06-037
	PREP	98-09-122	Deschutes River	EMER	98-10-060
herring			Dickey River	EMER	98-10-061
areas and seasons	EMER	98-08-045	Elk River	EMER	98-06-035
licenses	PERM	98-02-018	Entiat River	EMER	98-06-041
lingcod areas and seasons	PREP	98-06-065		EMER	98-07-031
sale of eggs and carcasses	PERM	98-02-017	exceptions to state-wide rules	EMER	98-01-073
salmon				EMER	98-06-040
annual harvest	PREP	98-06-058		EMER	98-06-060
	PROP	98-11-086		EMER	98-07-012
Columbia River above Bonneville	EMER	98-04-056		EMER	98-07-056
	EMER	98-04-068		EMER	98-11-019
	EMER	98-07-057	Hoh River	EMER	98-06-036
Columbia River below Bonneville	EMER	98-08-020		EMER	98-10-061
	EMER	98-08-046	Hoquiam River	EMER	98-06-035
commercial troll	EMER	98-10-031	Humtulpis River	EMER	98-06-035
	EMER	98-11-020	Icicle River	EMER	98-06-041
	EMER	98-11-085		EMER	98-07-031
	EMER	98-12-076		EMER	98-11-040
license buyback	PREP	98-07-091		EMER	98-12-059
	PROP	98-10-100	Johns River	EMER	98-06-035
sea urchins			Kalama River	EMER	98-06-037
areas and seasons	EMER	98-01-066	Klickitat River	EMER	98-12-060
	EMER	98-01-150	Lewis River	EMER	98-06-037
	EMER	98-02-001		EMER	98-12-085
	EMER	98-02-041	Methow River	EMER	98-06-041
	EMER	98-03-058		EMER	98-07-031
	EMER	98-03-001	Okanogan River	EMER	98-06-041
	EMER	98-04-010		EMER	98-07-031
	EMER	98-04-035	Quillayute River	EMER	98-10-061
	EMER	98-05-045	Samish River	EMER	98-10-060
			Similkameen River	EMER	98-06-041
shellfish				EMER	98-07-031
razor clams	EMER	98-07-055	Sol Duc River	EMER	98-10-061
shrimp			Wenatchee River	EMER	98-06-041
coastal waters	EMER	98-09-002		EMER	98-07-031
emerging commercial fishery	EMER	98-09-050	Wishkah River	EMER	98-06-035
	PROP	98-09-088	Wynoochee River	EMER	98-06-035
	EMER	98-10-032	lakes closure	PROP	98-05-063
	EMER	98-10-058	licenses	PREP	98-08-110
	EMER	98-10-096	salmon		
	EMER	98-11-007	annual harvest	PREP	98-06-058
	EMER	98-11-105		PROP	98-11-086
	EMER	98-13-016	areas and seasons	EMER	98-09-005
	PREP	98-06-065		EMER	98-10-030
licenses			searun fish, definition	EMER	98-10-060
smelt			shellfish	EMER	98-01-073
areas and seasons	EMER	98-04-067	areas and seasons		
	EMER	98-05-014	native clams	EMER	98-03-070
sturgeon				EMER	98-09-015
areas and seasons	EMER	98-04-006	oysters	EMER	98-03-070
	EMER	98-05-014	razor clams	EMER	98-05-034
	EMER	98-08-027		EMER	98-09-028
Fishing, personal use			shrimp	EMER	98-09-095
bottomfish			shad		
possession limits	EMER	98-01-204	areas and seasons	EMER	98-06-039
	PROP	98-09-086		EMER	98-07-011
Bridgeport fishing derby	EMER	98-13-005	shrimp		
conservation areas	PROP	98-09-089	areas and seasons	EMER	98-10-097
crab				EMER	98-11-087
areas and seasons	EMER	98-10-097	smelt	EMER	98-12-075
	EMER	98-12-075	areas and seasons	EMER	98-13-017
	EMER	98-12-077	areas and seasons	EMER	98-04-055
	EMER	98-13-017	sport fishing rules	PROP	98-01-007
herring				PERM	98-06-031
areas and seasons	EMER	98-08-045		PROP	98-11-049
game fish seasons and catch limits					
Bogachiel River	EMER	98-10-061			
Calawah River	EMER	98-10-061			
Chehalis River	EMER	98-10-061			

Subject/Agency Index

(Citation in bold type refer to material in this issue)

steelhead			transport tags for black bear and cougar	PERM	98-01-213
areas and seasons	EMER	98-02-040	Hydraulic projects		
	EMER	98-03-057	small scale prospecting and mining	PREP	98-07-092
	EMER	98-05-011	Rules agenda	MISC	98-02-064
	EMER	98-10-030	Trapping	PERM	98-01-207
sturgeon				PERM	98-01-208
areas and seasons	EMER	98-07-011	Wildlife		
	EMER	98-09-055	protected and endangered species	PERM	98-05-041
	EMER	98-13-004	wildlife rehabilitation permits	PERM	98-01-210
<u>Fishing, subsistence</u>					
Columbia River below Bonneville	EMER	98-12-061	FOREST PRACTICES BOARD		
Columbia River tributaries	EMER	98-09-022	Columbia River Gorge National Scenic Area	EXAD	98-01-222
	EMER	98-11-041		PERM	98-07-047
	EMER	98-13-006	Meetings	MISC	98-02-067
<u>Hunting</u>			Rules agenda	MISC	98-02-066
auction permits	PERM	98-01-212	Salmonid protection	EMER	98-12-026
	PROP	98-05-092	Water quality	PROP	98-02-065
	PERM	98-10-004		PROP	98-12-028
bear	PERM	98-01-205	Water typing system	EMER	98-07-046
	PROP	98-05-095		EMER	98-12-027
	PERM	98-10-008			
bighorn sheep	PROP	98-05-089	GAMBLING COMMISSION		
	PERM	98-10-005	Bingo		
Colville Indian Reservation	PROP	98-05-080	operating procedures	PREP	98-10-095
	PERM	98-10-007	prizes, awarding and accrual	PREP	98-10-095
cougar	PERM	98-01-212	recordkeeping and accounting	PERM	98-04-024
	PROP	98-05-094	Cardrooms	PERM	98-04-023
	PROP	98-05-095	Licenses		
	PERM	98-10-006	fees	PREP	98-08-012
	PERM	98-10-008		PROP	98-10-049
deer	PERM	98-01-205	reporting requirements	PREP	98-08-012
	PROP	98-05-085		PROP	98-10-049
	PERM	98-10-010	spousal requirements	PREP	98-03-048
elk	PERM	98-01-211	Manufacturers and distributors	PROP	98-01-094
	PROP	98-05-088	Meetings	MISC	98-03-056
	PERM	98-10-003	Public records, availability	PREP	98-01-102
game management units (GMUs)	PERM	98-01-212	Pull tabs		
	PROP	98-05-081	dispensing devices	PREP	98-01-091
	PROP	98-05-082		PROP	98-03-069
	PROP	98-05-090		PERM	98-08-011
	PROP	98-05-091	flares	MISC	98-03-034
	PROP	98-05-096	manufacturers, distributors and operators	PREP	98-03-047
	PROP	98-05-097		PROP	98-09-058
	PROP	98-05-098	mark-up of merchandise prices	PREP	98-04-033
	PROP	98-05-099	prizes, valuation	PROP	98-10-081
	PERM	98-10-011	replacement of games	PREP	98-08-043
	PERM	98-10-012		PROP	98-10-068
	PERM	98-10-013	Punch boards		
	PERM	98-10-014	manufacturers, distributors and operators	PREP	98-03-047
	PERM	98-10-015		PROP	98-09-058
	PERM	98-10-016	Raffles		
	PERM	98-10-017	recordkeeping requirements	PREP	98-01-092
	PERM	98-10-020		PROP	98-09-039
hunting hours and small game			ticket discount sales	PREP	98-01-090
permit hunts	PROP	98-02-016		PROP	98-03-068
	PROP	98-05-087		PERM	98-08-052
	PERM	98-10-002	Rules coordinator	MISC	98-13-011
moose	PROP	98-05-089	Separate businesses, restrictions	PREP	98-01-093
	PERM	98-10-005		PROP	98-06-027
mountain goat	PROP	98-05-089		PROP	98-10-050
	PERM	98-10-005		PERM	98-10-067
private lands wildlife management areas	PERM	98-01-206		PERM	98-12-005
	PERM	98-01-212	Services suppliers	PROP	98-04-022
	PROP	98-05-083		PREP	98-06-018
	PERM	98-10-009		PROP	98-10-066
protected wildlife	PROP	98-05-084	Supplies add services		
	PERM	98-10-021	credit extension to purchase	PREP	98-13-012
	PREP	98-11-030			
regulations and boundaries	PREP	98-01-174	GENERAL ADMINISTRATION, DEPARTMENT OF		
	PROP	98-05-086	Bid solicitation, procedure	EXRE	98-01-113
	PERM	98-10-019	Capitol campus design advisory committee		
restricted and closed areas	PROP	98-05-093	meetings	MISC	98-01-103
	PERM	98-10-018		MISC	98-08-047
seasons and permits	PREP	98-10-099	Late payments	EXRE	98-01-115
special hunts	PERM	98-01-209			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Local government self-insurance program	PREP	98-12-109	Dental hygienists examinations	EXRE	98-07-087
Memorials and artwork on capitol campus design and placement criteria	PERM	98-01-112	Dental quality assurance commission Zyban prescriptions	MISC	98-07-077
Printing and duplicating committee	EXRE	98-01-114	Denturists training course approval	EXRE	98-08-111
State capitol committee meetings	MISC	98-01-046	Emergency medical services and trauma care system trust account	PROP	98-01-164
	MISC	98-01-171		PERM	98-05-035
	MISC	98-11-050	Food and beverage service workers' permits	PREP	98-13-108
State Environmental Protection Act (SEPA), compliance	EXRE	98-01-116	Health care providers credentialing procedures	PROP	98-01-166
	EXAD	98-07-110		PROP	98-05-058
				PROP	98-05-059
GOVERNOR, OFFICE OF THE				PERM	98-05-060
Carbon River Bridge, state of emergency	MISC	98-08-053	Hearing and speech, board of audiology and speech-language pathology education requirements	PROP	98-07-083
Clemency and pardons board meetings	MISC	98-03-028		PERM	98-13-109
Executive orders, rescission	MISC	98-01-065	credentialing examination	EXRE	98-08-113
Ferry and Stevens counties, state of emergency	MISC	98-13-001		PROP	98-07-084
Gypsy moth infestation state of emergency	MISC	98-10-027	fitting and dispensing housekeeping amendments meetings	PERM	98-13-110
Kelso, state of emergency	MISC	98-13-049		EXRE	98-08-112
Land use study commission extended	MISC	98-13-009	refunds on hearing instruments speech-language pathologists standards of practice	PERM	98-06-079
Okanogan county, state of emergency	MISC	98-13-048		MISC	98-02-051
Pend Oreille county, state of emergency	MISC	98-13-025	Home health, hospice, and home care licensing fees	MISC	98-04-064
Pullman, state of emergency	MISC	98-11-002		MISC	98-13-010
State investigators, training and protocols	MISC	98-13-066		PROP	98-08-117
			Hospitals acute care hospitals, licensing fees	PROP	98-09-112
GRAYS HARBOR COLLEGE				PERM	98-13-036
Meetings	MISC	98-01-137	nonprofit hospitals, sale	PROP	98-09-109
Student code of conduct	PROP	98-05-049	Local public health rules review	PERM	98-13-035
	PERM	98-09-012	Medical quality assurance commission automatic external defibrillators, use	PROP	98-09-111
			Mental health quality assurance council meetings	PREP	98-01-155
GREEN RIVER COMMUNITY COLLEGE			Midwives examinations licensure fees	MISC	98-07-075
Meetings	MISC	98-02-009	Nursing care quality commission investigations, expedited case closures investigative case reviews, timeline	MISC	98-01-038
			licenses renewal	PREP	98-11-064
GROWTH MANAGEMENT HEARINGS BOARDS			mandatory reporting nursing pools fees	PROP	98-07-085
Practice and procedure	PERM	98-01-144	oral feeding via syringe pharmacist orders scope of practice	PERM	98-11-069
			sexual misconduct	MISC	98-11-059
HEALTH CARE AUTHORITY			Nursing home administrators, board of adjudicative proceedings	MISC	98-07-073
Basic health plan administration	PROP	98-01-220	administrator-in-training program	PREP	98-10-108
	PERM	98-07-002	below threshold determining criteria	PREP	98-09-115
income, definition	EXAD	98-10-086	board of examiners	MISC	98-03-091
Public employees benefits board meetings	MISC	98-01-077	continuing education requirements	MISC	98-03-092
	MISC	98-03-012	definitions	MISC	98-07-076
	MISC	98-03-013	examination of applicants	MISC	98-11-056
	MISC	98-06-019	meetings	MISC	98-11-058
	MISC	98-08-029		PROP	98-11-116
	MISC	98-11-012		PROP	98-09-040
Records, inspection	EXAD	98-13-078			
HEALTH, DEPARTMENT OF					
Adjudicative proceedings	PERM	98-09-118			
Birth certificates release of paper or electronic copies	PREP	98-07-079			
Boarding homes civil fines	EMER	98-04-090			
	PREP	98-04-091			
licensing fees	PERM	98-01-165			
Certificate of need program	EXAD	98-05-057			
	PERM	98-10-053			
	EXAD	98-12-067			
Counselors disciplinary orders, fine suspension	MISC	98-07-074			
Criminal history, disclosure, and background inquiries	PERM	98-09-120			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

standards of suitability and conduct	PREP	98-01-161		PERM	98-12-015
Optometry, board of licensure	PROP	98-11-070	HIGHER EDUCATION COORDINATING BOARD		
Osteopathic medicine and surgery, board of physician assistants prescriptive authority	PREP	98-07-078	Administrative requirements	EXAD	98-08-002
Pharmacy, board of butorphanol	MISC	98-02-084	Education Services Registration Act, administration	PERM	98-08-009
kidney dialysis centers	PREP	98-04-037	Exemptions from authorization	EXAD	98-08-001
licensing fees	PREP	98-01-163	Facilities construction, federal grants	PERM	98-08-008
	PROP	98-07-086	Institutional equipment, federal grants	PERM	98-08-007
	PERM	98-10-052	Meetings	MISC	98-01-100
patient information requirements	PREP	98-11-065	Postsecondary education, council for bylaws	PERM	98-08-006
theophylline	EXRE	98-07-088	Residency status for higher education	EXAD	98-01-101
Physical therapy, board of assistants and aides, supervision ratio	PREP	98-13-105		PERM	98-08-004
education and examination	PREP	98-13-107	Tuition recovery trust fund account	PERM	98-08-005
professional responsibilities, conduct, and training	PREP	98-13-104	Women's participation in intercollegiate athletics, goal	PERM	98-08-003
sexual misconduct	PREP	98-13-106			
unprofessional conduct	PREP	98-13-103	HIGHLINE COMMUNITY COLLEGE		
Physician assistants			Meetings	MISC	98-01-106
disciplinary proceedings	PERM	98-09-119	HISPANIC AFFAIRS, COMMISSION ON		
Physicians			Meetings	MISC	98-03-053
foreign-trained physicians, visa waivers	PREP	98-06-077	HORSE RACING COMMISSION		
Podiatric medical board			Association officials and employees	PERM	98-01-145
delegation of duties	PREP	98-08-115		PROP	98-10-001
investigation	MISC	98-03-093	Horses		
orthotic devices	PREP	98-08-115	identification	PREP	98-10-110
Psychology, examining board of meetings	MISC	98-01-018	Jockeys		
	MISC	98-02-007	apprentices	PERM	98-01-146
	PREP	98-09-113	riding fees	PROP	98-01-147
	PREP	98-09-114		PERM	98-07-070
Public health reporting systems			Trifecta pools	PERM	98-01-148
Radiation machine facility registration fee	PERM	98-01-047	HOUSING FINANCE COMMISSION		
	PROP	98-07-081	Biennial review of amendments to plan	MISC	98-01-217
	PERM	98-11-066		MISC	98-01-218
Radiation protection dosimetry results reports	PREP	98-06-078	HUMAN RIGHTS COMMISSION		
medical use	PROP	98-09-108	Dog guides and service animals	PROP	98-01-175
	PERM	98-13-037		PERM	98-08-035
radioactive material licenses			Meetings	MISC	98-03-020
fees	PROP	98-07-080			
	PERM	98-11-067	INDETERMINATE SENTENCE REVIEW BOARD		
respiratory protection equipment	PROP	98-09-110	Non-APA rules, publication protocol	MISC	98-09-045
	PERM	98-13-034	Organization and operation	EXAD	98-09-047
Radioactive waste	EXAD	98-03-095		PROP	98-11-071
	PERM	98-09-117		EXAD	98-11-072
Respiratory care practitioners	PREP	98-08-114	Public records, availability	EXAD	98-09-047
	MISC	98-11-060		PROP	98-11-071
	MISC	98-11-061		EXAD	98-11-072
	MISC	98-02-083			
Rules agenda			INSURANCE COMMISSIONER'S OFFICE		
Sex offender treatment provider program meetings	MISC	98-01-019	Actuaries regulation	EXAD	98-07-105
Shellfish programs				PERM	98-11-089
commercial operators			Annuities		
minimum performance standards	PERM	98-03-096	mortality table	PROP	98-01-121
limited commercial shellfish license	PREP	98-01-154		PERM	98-05-069
	PROP	98-08-118	Bulletins and technical assistance		
	PERM	98-12-068	advisories, withdrawal	MISC	98-09-054
Temporary worker housing			Commissioner's office inquiries, response requirements	MISC	98-11-027
1998 cherry harvest	EMER	98-11-001	Disability insurance		
building codes	PREP	98-10-109	form filings	EXAD	98-04-084
licensing fees	PREP	98-11-063	rate filings	PREP	98-13-087
Trauma care	PERM	98-04-038	rules review	PREP	98-13-091
Water			Domestic violence victims		
drinking water			discrimination against prohibited	MISC	98-10-022
satellite management agency program	MISC	98-09-107	Eagle Pacific Insurance Co., acquisition by Lumbermens Mutual Casualty Co.		
state revolving fund rules	PREP	98-04-092		MISC	98-12-108
system evaluation and project review and approval fees	PROP	98-07-082			
	PERM	98-11-068			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Electronic Authentication Act application to insurance code	PROP 98-01-118	MISC 98-01-215
	PERM 98-04-063	MISC 98-13-062
Form filings	EXAD 98-08-098	
	PERM 98-09-041	
	EXAD 98-13-093	
	PERM 98-13-094	
Fraternal risk based capital	EXAD 98-04-085	
	PERM 98-09-016	
Great Northern Insured Annuity Corp., merger with General Electric Capital Assurance Co.	MISC 98-12-094	
Health care services insurance chemical dependency coverage contract forms and rate schedules, filing	PREP 98-01-117	
	PROP 98-01-120	
	PROP 98-02-063	
	PERM 98-04-011	
	MISC 98-09-053	
diabetes coverage	MISC 98-03-029	
Medicare supplement insurance	PREP 98-13-088	
mental health benefits	PREP 98-07-064	
pharmacy benefits	PREP 98-07-063	
Licenses		
continuing education	EXAD 98-07-104	
	PERM 98-11-090	
reexamination after failure	EXAD 98-01-135	
	PERM 98-06-022	
Life insurance		
accelerated benefits	PROP 98-01-134	
	PROP 98-02-062	
	PROP 98-03-076	
	PERM 98-05-026	
disclosure	PROP 98-04-083	
	PROP 98-07-062	
	PERM 98-11-003	
form filings	EXAD 98-04-084	
WM Life Insurance Co., merger with Safeco Life Insurance Co.	MISC 98-10-079	
Long-term care	PREP 98-13-089	
Managed care plans rules	PROP 98-02-012	
	PROP 98-03-004	
	PERM 98-04-005	
	PROP 98-10-082	
	PREP 98-13-090	
	EXAD 98-13-093	
Policies filings		
Property insurance		
essential property insurance inspection and placement program	EXAD 98-08-097	
	PERM 98-13-095	
Rate filings		
capital cost	PREP 98-04-081	
compliance and enforcement	PREP 98-05-102	
	PROP 98-13-092	
Rules agenda	MISC 98-01-119	
Rules coordinator	MISC 98-02-026	
	MISC 98-11-028	
Rules, repeal of unnecessary or outdated sections	EXAD 98-07-065	
	PERM 98-11-088	
INTEREST RATES (See inside front cover)		
INVESTMENT BOARD, STATE Rules of conduct	PERM 98-01-138	
JAIL INDUSTRIES BOARD Prison industries certification program	PREP 98-11-102	
	PREP 98-11-103	
JUDICIAL CONDUCT, COMMISSION ON Meetings	MISC 98-01-009	
Index		
		LABOR AND INDUSTRIES, DEPARTMENT OF
		Actions and proceedings
		special assistants attorneys general
		PREP 98-09-123
		MISC 98-13-125
		Apprenticeship and training council
		approved apprenticeship standards
		PROP 98-07-058
		PROP 98-12-074
		PREP 98-09-063
		rules update
		Boiler rules, board of
		fees
		PROP 98-04-017
		meetings
		rules update
		Commercial coaches
		PROP 98-07-095
		Electrical board
		meetings
		MISC 98-01-012
		Electricians
		journeyman electrician
		certification
		PROP 98-07-097
		PERM 98-12-042
		PREP 98-13-123
		Elevator board
		meetings
		MISC 98-01-039
		Elevators
		fees
		PROP 98-07-094
		PERM 98-12-043
		Factory assembled structures advisory board
		meetings
		MISC 98-01-015
		Factory-built housing
		PROP 98-07-095
		Fees
		PROP 98-07-096
		PERM 98-12-041
		Industrial safety and health act (WISHA)
		abatement verification
		PROP 98-12-081
		Manufactured housing
		PROP 98-07-095
		Occupational health standards
		air contaminants
		PROP 98-05-061
		EMER 98-10-028
		PERM 98-10-029
		EMER 98-02-010
		chemical agents, control
		inorganic arsenic and coke oven
		emissions
		PERM 98-02-030
		Plumbers
		journeyman certification of
		competency
		PREP 98-06-043
		PROP 98-09-124
		PERM 98-13-126
		MISC 98-03-040
		MISC 98-06-024
		MISC 98-10-026
		EXRE 98-08-102
		Practice and procedure
		Right to know
		fee assessment
		PERM 98-02-029
		Rules agenda
		MISC 98-04-057
		Safety and health standards
		abrasive wheel machinery
		PERM 98-02-028
		accident prevention plan
		PREP 98-12-083
		chemonucleolysis
		EXRE 98-08-101
		emergency washing facilities
		PREP 98-12-082
		first aid
		PERM 98-06-061
		hazardous waste operations and
		emergency response
		PREP 98-12-084
		personal protective equipment
		PERM 98-02-006
		respiratory protection
		PREP 98-08-104
		Safety standards
		agriculture
		PROP 98-04-094
		PROP 98-10-035
		construction
		PERM 98-05-046
		PROP 98-05-073
		PERM 98-13-069
		PERM 98-07-009
		electrical construction

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

electrical equipment	PROP 98-07-097	Funeral directors and embalmers. board of licenses	PREP 98-10-087
	PERM 98-12-042		PREP 98-11-038
	PREP 98-13-123		
electrical workers	PROP 98-07-008	Motor vehicles	
	PERM 98-07-009	certificate of title	PREP 98-03-024
elevators, dumbwaiters, escalators, lifting devices, moving walks	PREP 98-02-080		PROP 98-08-049
	PREP 98-13-124	dealer-to-dealer transfer	PERM 98-12-099
explosives, underground transportation	EXAD 98-12-103	dealers and manufacturers	PERM 98-01-020
fire fighters	PREP 98-11-075	rules review	PREP 98-10-071
longshore and marine terminals	PREP 98-12-080	disabled person parking	PROP 98-04-014
mechanical power transmission apparatus	PERM 98-10-073		PREP 98-09-038
minors			PROP 98-13-043
nonagricultural employment	PREP 98-02-079	fuel tax and special fuel tax	
temporary labor camps	PREP 98-10-035	administration and collection	PREP 98-13-003
Theatrical enterprises	EXRE 98-07-093	license plates	
Third-party recoveries	EXRE 98-08-100	special plates	PERM 98-01-151
Wages and hours			PROP 98-04-071
computer software professionals	PERM 98-02-027		PERM 98-09-024
Wearing apparel	EXRE 98-08-103	licenses	PREP 98-03-021
Workers' compensation			PREP 98-03-022
classifications	PROP 98-12-079		PREP 98-03-023
medical coverage decisions	PREP 98-12-102		PROP 98-04-071
medical services payments	PREP 98-01-223		PROP 98-06-080
	PROP 98-05-100		PROP 98-07-018
	PERM 98-09-125		PERM 98-09-024
reporting	PROP 98-12-079		PROP 98-12-073
retrospective rating	PREP 98-11-101	Real estate appraisers	
		fees	PREP 98-10-063
			PROP 98-12-066
LAKE WASHINGTON TECHNICAL COLLEGE		uniform standards of practice	EMER 98-10-064
Meetings	MISC 98-02-036		PROP 98-12-065
	PREP 98-02-050		
	PROP 98-06-020	Real estate commission	
	PERM 98-09-031	adjudicative procedures	PERM 98-01-107
		licensing procedures	PERM 98-01-107
		meetings	MISC 98-01-052
		rules review	PREP 98-13-071
		Rules agenda	MISC 98-02-061
		Sanitarians	
	PREP 98-06-047	licensing	EXRE 98-07-020
	PREP 98-05-012		PERM 98-13-045
	PROP 98-09-057	Security guards	
	PERM 98-12-064	fees	PREP 98-09-078
	PREP 98-06-046	Snowmobiles	PROP 98-04-072
intern training program			PERM 98-08-070
Auctioneers		Title and registration advisory committee	
fees	PREP 98-09-073	meetings	MISC 98-01-131
	PROP 98-13-027		MISC 98-05-028
			MISC 98-11-096
Bail bond agents		Vessels	
rules review	PREP 98-09-077	registration and certificate of title	PROP 98-01-070
Boxing, sparring, and wrestling			PREP 98-03-025
practice and procedure	PREP 98-09-079		PREP 98-03-026
Camping resorts			PREP 98-03-027
fees	PREP 98-09-076		PROP 98-05-068
	PROP 98-13-070		EMER 98-09-001
Cemetery board			PROP 98-09-023
fees	PREP 98-11-039		PROP 98-12-072
Court reporters			PROP 98-13-044
fees	PREP 98-09-074		PROP 98-03-054
	PROP 98-13-026		PERM 98-03-055
Employment agencies		Whitewater river outfitters	
fees	PREP 98-09-075		
	PROP 98-13-028		
Engineers and land surveyors, board of administrative procedures	PROP 98-08-078	LIQUOR CONTROL BOARD	
	PERM 98-12-045	Brewery or winery on	
fees	PROP 98-09-051	existing retail premises	PROP 98-05-103
	PERM 98-12-046	Licenses	
licenses	PROP 98-08-105	approval, delegation of authority to staff	PREP 98-01-035
	PERM 98-12-052		PROP 98-09-060
limited liability companies	PROP 98-08-106	penalty guidelines	PREP 98-12-088
	PERM 98-12-053		PREP 98-12-089
meetings	MISC 98-01-075	retail licensing	PREP 98-02-068
organization and jurisdiction	PREP 98-11-025		EXAD 98-12-090
pro tem board member appointment	MISC 98-05-044	Operations and procedures	PROP 98-09-061
		Rules coordinator	MISC 98-10-056

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Samples of spirituous liquor	PROP 98-02-069	Registration fees	PROP 98-11-078
	PERM 98-08-041		
Tobacco products		OLYMPIC COLLEGE	
sale or handling by employees under		Meetings	MISC 98-06-048
age eighteen	PREP 98-11-081		
LOTTERY COMMISSION		OUTDOOR RECREATION, INTERAGENCY	
Instant game number 207	PERM 98-03-075	COMMITTEE FOR	
Instant game rules	PROP 98-04-073	Meetings	MISC 98-03-005
	PREP 98-07-089		MISC 98-03-042
	PROP 98-08-064		MISC 98-04-050
	PREP 98-08-066	Rules agenda	MISC 98-13-063
	PERM 98-08-067		PROP 98-04-079
	EXRE 98-07-090	Rules coordinator	PERM 98-08-014
	PROP 98-12-093		MISC 98-03-043
	PERM 98-13-018		
Lotto		PARKS AND RECREATION COMMISSION	
drawing dates	PREP 98-09-102	Clean vessel program funding	PROP 98-03-090
jackpot payment period	PREP 98-01-006		PERM 98-07-021
	PROP 98-05-070	Concessions and leases	PERM 98-01-050
	PERM 98-08-063	Meetings	MISC 98-01-130
Policy statements	MISC 98-05-071	Public use of park areas	PERM 98-04-065
	MISC 98-09-056	Rules coordinator	MISC 98-01-180
Prizes	PREP 98-03-074	Whitewater river designation	PROP 98-03-086
	PROP 98-09-103		PERM 98-07-022
Quinto			
drawing dates	PREP 98-09-102	PENINSULA COLLEGE	
Retailer licensing	PREP 98-12-033	Meetings	MISC 98-03-065
Retailer obligations	PROP 98-08-065		MISC 98-09-068
	PERM 98-11-091		
MILITARY DEPARTMENT		PERSONNEL RESOURCES BOARD AND	
Emergency management division		PERSONNEL, DEPARTMENT OF	
chapter 365-300 WAC recodification	MISC 98-01-064	Americans with Disabilities Act compliance	PROP 98-01-141
hazardous chemicals			PROP 98-06-014
emergency response planning	PERM 98-07-028	Certifications	PERM 98-08-024
		actions required	PROP 98-10-122
			PROP 98-13-059
MINORITY AND WOMEN'S BUSINESS ENTERPRISES,		Disabilities	PROP 98-01-142
OFFICE OF		accommodation	PROP 98-06-013
Annual goals	PREP 98-11-093		PERM 98-08-025
Certification program		Layoffs	PERM 98-03-051
fees	PERM 98-13-075	Medical expense plans	PROP 98-10-121
Engineering, architectural, and surveying services			EMER 98-13-056
size standards	PREP 98-08-107		PERM 98-13-057
Public records		Probationary period, extension	EMER 98-13-055
copy fees	PERM 98-13-007	Return to work	
		initiative project	PERM 98-13-058
NATURAL RESOURCES, DEPARTMENT OF		Rules coordinator	MISC 98-04-058
Burning permits		Salaries	PERM 98-03-052
fees	PROP 98-09-046	Seniority	PROP 98-01-139
	PERM 98-13-068		PERM 98-06-012
rules	PROP 98-09-046	Shift premium provisions and	
	PERM 98-11-047	compensation	PROP 98-06-062
	PERM 98-13-068		PERM 98-09-066
Natural heritage advisory council		Transfers, lateral movements, and voluntary	
meetings	MISC 98-04-002	demotions	PROP 98-01-140
	MISC 98-08-042		PERM 98-08-026
Natural resources, board of			PROP 98-06-015
meetings	MISC 98-01-104		
Rules agenda	MISC 98-02-071		
NORTHWEST AIR POLLUTION AUTHORITY		PIERCE COLLEGE	
Agricultural burning	PROP 98-08-094	Meetings	MISC 98-02-008
	PERM 98-13-065		MISC 98-08-044
Outdoor burning	PROP 98-08-094		
	PERM 98-13-065	PILOTAGE COMMISSIONERS, BOARD OF	
Registration	PROP 98-08-094	New pilots, limitations	PREP 98-10-092
	PERM 98-13-065	Pilotage tariff rates	
		Grays Harbor district	PROP 98-10-093
		Puget Sound district	PROP 98-08-071
			PERM 98-12-008
OLYMPIC AIR POLLUTION CONTROL AUTHORITY		POLLUTION LIABILITY INSURANCE AGENCY	
Construction fees	PROP 98-11-079	Eligibility assessment reimbursement	PERM 98-01-053
Emission standards	PROP 98-11-077		
Gasoline stations			
vapor recovery	PROP 98-11-076		
Operating permit fees	PROP 98-11-080		

Subject/Agency Index

(Citation in bold type refer to material in this issue)

PUBLIC DISCLOSURE COMMISSION

Contributions			
encouraging expenditures to avoid contributions	PREP	98-06-052	
	PROP	98-09-020	
	PERM	98-12-036	
in-kind contributions and expenditures	PREP	98-06-053	
	PROP	98-09-019	
	PERM	98-12-034	
limits increase or decrease	PREP	98-01-187	
	PROP	98-05-107	
	PERM	98-08-069	
solicitation or acceptance during legislative session freeze period	EMER	98-01-055	
	PREP	98-03-072	
County election officials			
campaign disclosure reports, duties	PREP	98-06-051	
	PROP	98-09-021	
	PERM	98-12-038	
Lobbyist employer reports	PERM	98-01-062	
Meetings	MISC	98-11-017	
Registered voters, calculation of number	PREP	98-06-054	
	PROP	98-09-018	
	PERM	98-12-035	
Rules agenda	MISC	98-02-060	
Volunteer services	PREP	98-06-055	
	PROP	98-09-017	
	PERM	98-12-037	

PUBLIC EMPLOYEES BENEFITS BOARD (See HEALTH CARE AUTHORITY)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Filing and service of papers	PREP	98-04-049	
	PROP	98-10-101	
Rules agenda	MISC	98-02-081	

PUBLIC INSTRUCTION, SUPERINTENDENT OF

Funding			
audit resolution process	PERM	98-05-008	
basic education	PROP	98-03-066	
	PROP	98-04-070	
	PERM	98-07-060	
levy authority and local effort assistance	PROP	98-05-040	
	PERM	98-08-096	
local enhancement funds	PERM	98-04-080	
special education	PERM	98-04-036	
	PERM	98-08-013	
vocational programs	PREP	98-09-043	
Immunization records, verification	PERM	98-04-025	
K-3 staff enhancement	PROP	98-03-067	
	PERM	98-07-061	
Shared leave programs	PREP	98-05-038	
Special education programs	PREP	98-05-039	
Special service program			
highly capable students	PERM	98-12-002	
Transitional bilingual instruction program	PROP	98-01-054	
Transportation services			
basic students transported on special needs route	PREP	98-09-091	

PUBLIC WORKS BOARD (See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)

PUGET SOUND AIR POLLUTION CONTROL AGENCY

Asbestos control standards, clarification	PROP	98-02-072	
	PERM	98-06-009	
Sources			
emission monitoring	PROP	98-06-087	
	PERM	98-10-039	

RENTON TECHNICAL COLLEGE

Meetings	PERM	98-02-037	
	MISC	98-02-038	

RETIREMENT SYSTEMS, DEPARTMENT OF

Board members, recusal	PERM	98-01-109	
Deferred compensation program	PREP	98-12-007	
Employee retirement benefits board meetings	MISC	98-01-132	
Employer obligations			
interest on past due amounts	PREP	98-13-085	
Public employees' retirement system (PERS)			
earnable compensation	PROP	98-01-069	
	PERM	98-09-059	
Regulatory reform			
contact person	MISC	98-11-097	
Teachers' retirement system (TRS)			
earnable compensation	PROP	98-01-069	
	PERM	98-09-059	

REVENUE, DEPARTMENT OF

Business and occupation tax			
small business step-ranged tax credit table	EMER	98-02-046	
	EMER	98-11-006	
small business tax relief			
based on volume of business	EXAD	98-10-123	
small timber harvesters	EXAD	98-12-004	
successor to person quitting business	PREP	98-11-083	
Excise taxes			
articles manufactured and installed	PERM	98-01-111	
leasehold excise tax	PREP	98-13-053	
Indian reservations	PREP	98-07-066	
excise tax liability	PREP	98-09-036	
mobile homes and mobile home park fee	PERM	98-01-111	
Interpretive statements	MISC	98-02-024	
Property tax			
agricultural land valuation	PERM	98-01-178	
inflation rate	PERM	98-01-179	
intangible personal property, exemption	PREP	98-07-015	
	EXRE	98-08-018	
nonprofit organizations, exemptions	PREP	98-07-016	
refunds			
procedures and interest	PERM	98-01-176	
	PERM	98-01-177	
senior citizen and disabled person exemption	EXRE	98-08-018	
Rules agenda	MISC	98-02-078	
Rules coordinator	MISC	98-04-012	
Sales tax			
amusement and recreation activities and businesses	PREP	98-05-031	
Timber excise tax			
forest land values	PERM	98-02-014	
stumpage values	PERM	98-02-015	
	PREP	98-05-074	
	PROP	98-10-124	

RULES COORDINATORS

(See Issue 98-01 for a complete list of rules coordinators designated as of 12/24/97)			
Administrative hearings, office of	MISC	98-01-045	
Bellingham Technical College	MISC	98-01-002	
Community, trade and economic development, department of	MISC	98-01-143	
County road administration board	MISC	98-01-010	
Employment security department	MISC	98-02-005	
Executive ethics board	MISC	98-09-072	
Financial management, office of	MISC	98-07-014	
Gambling commission	MISC	98-13-011	
Insurance commissioner's office	MISC	98-02-026	
	MISC	98-11-028	

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Liquor control board	MISC	98-10-056	hearings or court proceedings		
Outdoor recreation, interagency committee for	MISC	98-03-043	opposing testimony	MISC	98-06-026
Parks and recreation commission	MISC	98-01-180	interstate compact on placement of children	PERM	98-01-149
Personnel, department of	MISC	98-04-058	Children's services		
Revenue, department of	MISC	98-04-012	applicant rights	PROP	98-03-082
				PERM	98-07-041
SCHOOL-TO-WORK TRANSITION, GOVERNOR'S TASK FORCE ON			Developmental disabilities, division of		
Meetings	MISC	98-12-003	community alternatives program	PREP	98-09-094
			delivery of services	PERM	98-02-058
			eligibility	PREP	98-09-094
			family support opportunity		
			pilot program	PREP	98-10-040
			information and outreach	EMER	98-13-041
			residential habilitation centers	PREP	98-09-009
				EMER	98-13-041
			rules review	PREP	98-09-092
SEATTLE COMMUNITY COLLEGES			Economic services administration		
Meetings	MISC	98-10-076	child support payments distribution	PROP	98-01-170
	MISC	98-11-008		EMER	98-04-027
	MISC	98-11-013		PROP	98-06-067
	MISC	98-11-052		PERM	98-10-042
	MISC	98-12-006		PROP	98-03-084
				PERM	98-06-056
				PROP	98-11-084
SECRETARY OF STATE				PROP	98-13-054
Address confidentiality program	PREP	98-11-009	meetings	MISC	98-01-129
	PROP	98-13-111	need standards	PROP	98-01-169
Charitable trusts				PERM	98-08-037
registration	PREP	98-07-001	payment of grants	PREP	98-07-099
	PROP	98-13-098		PROP	98-11-074
Elections			program services review	PREP	98-01-168
administration	PERM	98-03-033	SSI state supplement		
Electronic authentication act			standards of assistance	PROP	98-01-126
implementation	PREP	98-09-062		PERM	98-06-057
	PROP	98-13-100	unemployable adults	PREP	98-07-036
FAX transmission of documents	EMER	98-13-042		PREP	98-07-038
	EXAD	98-13-099	U.S. repatriates program	PREP	98-07-037
Recodification of WAC sections	MISC	98-08-010	Food assistance program for legal immigrants	PROP	98-13-080
			Food stamp program		
SKAGIT VALLEY COLLEGE			employment and training		
Meetings	MISC	98-01-043	programs requirements	PROP	98-06-076
	MISC	98-03-061	income eligibility	PERM	98-03-049
			thrifty food plan	PROP	98-04-039
				EMER	98-04-040
				PERM	98-10-025
SOCIAL AND HEALTH SERVICES, DEPARTMENT OF			Juvenile rehabilitation administration		
Adult family homes			placement of offenders	PREP	98-10-125
licensing, limited requirements	PROP	98-02-077	Management services		
	PROP	98-04-032	delegation of authority by secretary	PROP	98-08-076
	PERM	98-11-095		PERM	98-11-034
	PERM	98-12-054	Medical assistance administration		
licensing, minimum requirements	PROP	98-08-091	community options program		
Aging and adult services			entry system (COPES)	PREP	98-05-051
chore personal care services	EXRE	98-08-073	dental-related services	PREP	98-08-074
	EMER	98-09-042	electronic funds transfer	MISC	98-07-034
	PREP	98-11-031	eligibility	PREP	98-03-079
	PREP	98-11-032		PREP	98-07-039
eligibility standards	PERM	98-04-026		PROP	98-08-081
	PROP	98-13-077		EMER	98-08-085
home and community services			guardianship fees	EMER	98-08-088
nurse oversight	PREP	98-07-051		PROP	98-13-082
nursing homes rules review	PREP	98-06-089	healthy options health	PROP	98-03-085
Alcohol and substance abuse, division of			carrier billing	PROP	98-05-053
drug-free workplace program	PREP	98-09-093	home health services	PERM	98-08-077
Child care			hospice services	PERM	98-10-055
day care homes, licensing	PREP	98-02-057	hospital services	MISC	98-05-050
subsidized payment rates	PREP	98-13-079	income eligibility	PREP	98-13-086
Child support, division of			institutional care	PREP	98-01-189
address disclosure	PREP	98-12-106		PERM	98-01-124
assessing support	PREP	98-03-078		PERM	98-04-003
family violence	MISC	98-12-105		EMER	98-01-190
financial institution data matches	MISC	98-12-104		EMER	98-01-191
grievance and dispute				PREP	98-05-052
resolution method	PROP	98-05-078			
hearing and conference board	PROP	98-05-079			
license suspension program	PROP	98-13-081			
"most wanted" list	PREP	98-12-107			
Children's administration					
case transfers	MISC	98-02-076			
child care facilities					
licenses	PREP	98-08-084			
	PREP	98-10-104			
child care programs	PREP	98-01-128			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

interpreter services	PREP 98-01-188	Municipal solid waste combustors	
	PROP 98-07-050	emission guidelines	PERM 98-01-037
	EMER 98-07-052	Surface coating application	PROP 98-07-029
	PROP 98-10-107		PERM 98-11-011
kidney centers, eligibility	PROP 98-02-059		
	PERM 98-06-025	SPOKANE, COMMUNITY COLLEGES OF	
medically needy, eligibility	PREP 98-01-068	Meetings	MISC 98-05-015
	PROP 98-08-082		
	EMER 98-08-087	SUPREME COURT, STATE	
	PERM 98-11-033	Admissibility of documents	MISC 98-03-035
Medicare		Admission to practice	
beneficiary program		emeritus membership	MISC 98-13-022
deductibles	MISC 98-02-075	house counsel	MISC 98-13-024
eligibility	PREP 98-01-067	Appellate court	
	PROP 98-08-083	decisions, forms	MISC 98-13-023
cost share	PREP 98-04-066	Capital cases, indigent appellate defense	MISC 98-01-048
	PROP 98-08-083	Civil proceedings	MISC 98-11-022
	EMER 98-08-086	Court records,	
	PERM 98-11-073	destruction and sealing	MISC 98-13-019
nursing facilities, payment rate		Courts of limited jurisdiction	
methodology	PREP 98-03-077	civil rules	MISC 98-13-021
	PREP 98-06-066	Definitions	MISC 98-11-022
	EMER 98-11-094	Law clerk program	MISC 98-11-023
pharmacy services		Meetings	MISC 98-03-019
billing procedures	PROP 98-05-054	Procedures	MISC 98-13-020
resource exemptions	PROP 98-01-127	Trial court	
	PERM 98-04-031	decision review	MISC 98-03-036
rules review	PREP 98-10-106		
scope of care	PERM 98-04-004	TACOMA COMMUNITY COLLEGE	
trauma services,		Meetings	MISC 98-01-042
enhanced payments	MISC 98-07-035		
vision care	PREP 98-01-167	TAX APPEALS, BOARD OF	
Mental health program		Meetings	MISC 98-01-016
records, availability	PREP 98-10-105	Public records	PREP 98-02-021
Telephone assistance program	PREP 98-06-088		
Temporary assistance to needy families (TANF)		TRANSPORTATION COMMISSION	
childcare, eligibility	PROP 98-03-083	Meetings	MISC 98-05-032
	PERM 98-08-021		MISC 98-09-008
community jobs wage subsidy program	PROP 98-03-080		
	PROP 98-07-042	TRANSPORTATION IMPROVEMENT BOARD	
	PROP 98-07-100	Meetings	MISC 98-01-017
	PERM 98-10-041		MISC 98-07-013
	PERM 98-10-054		MISC 98-09-011
eligibility	PROP 98-03-084		MISC 98-10-084
	PERM 98-06-056		MISC 98-13-040
eligibility review cycle	PERM 98-04-015		
family violence amendment	PERM 98-07-040	TRANSPORTATION, DEPARTMENT OF	
immigrants, eligibility	PERM 98-08-036	Adopt-a-Highway program	PREP 98-12-095
overpayments, waiver of retroactive	PERM 98-04-016	Bicycle racing	EMER 98-03-009
Rules			PROP 98-03-059
repeal of obsolete, duplicative, or ambiguous			PERM 98-06-029
rules	PERM 98-01-125	Ferries	
Rules agenda	MISC 98-04-041	fare schedule	PROP 98-03-050
WorkFirst			PERM 98-08-051
childcare, eligibility	PREP 98-08-075	Fishing from bridges, prohibition of	EXRE 98-13-060
		Highway access management	
SOUTH PUGET SOUND COMMUNITY COLLEGE		access control system	PREP 98-07-048
Meetings	MISC 98-01-096	permits	PREP 98-07-049
	MISC 98-03-017	Lane use restrictions	PREP 98-04-044
	MISC 98-06-010		PROP 98-08-030
	MISC 98-08-040	Limited access facilities	PERM 98-12-062
	MISC 98-12-014	Limited access highways	PREP 98-05-037
		Oversize and overweight permits	PREP 98-10-089
		escort vehicles	
SOUTHWEST AIR POLLUTION			PREP 98-06-023
CONTROL AUTHORITY			PROP 98-10-038
Dry cleaning operations	PREP 98-12-011		PROP 98-13-101
Gasoline vapors	PREP 98-12-013	hay bales	PREP 98-02-032
Ozone maintenance plan	PREP 98-12-040		PROP 98-06-016
SEPA procedures	PREP 98-12-012		PERM 98-09-029
Sources	PREP 98-12-010		EMER 98-12-097
		manufactured housing movements	EMER 98-08-057
SPOKANE COUNTY AIR POLLUTION			PREP 98-08-089
CONTROL AUTHORITY			PROP 98-12-096
Asbestos program	PROP 98-01-036	nighttime hours	PREP 98-04-043
	PERM 98-05-030		

Subject/Agency Index

(Citation in bold type refer to material in this issue)

nighttime movements	EMER	98-04-045	WASHINGTON STATE HISTORICAL SOCIETY		
	PROP	98-08-090	Capital projects fund	PROP	98-04-059
	PERM	98-12-063		PERM	98-11-005
rear-view mirrors	EMER	98-09-090	Meetings	MISC	98-01-089
	PREP	98-10-037		MISC	98-05-018
Public transportation			Public records, availability	PROP	98-04-060
comprehensive transit plans	PREP	98-03-031		PERM	98-07-071
	PROP	98-07-006			
	PERM	98-11-046	WASHINGTON STATE LIBRARY		
feasibility studies	PREP	98-03-030	Library commission		
	PROP	98-07-005	meetings	MISC	98-04-008
	PERM	98-11-045		MISC	98-04-048
				MISC	98-06-034
municipal rail				MISC	98-09-025
fixed guideway systems	PREP	98-13-102		MISC	98-10-057
technical studies	PREP	98-03-032		MISC	98-12-009
	PROP	98-07-004		MISC	98-12-025
	PERM	98-11-044			
Rules agenda	MISC	98-04-046			
			WASHINGTON STATE PATROL		
UNIVERSITY OF WASHINGTON			Background checks	PREP	98-11-037
Admission and registration			Fire protection policy board		
procedures	PROP	98-05-066	meetings	MISC	98-01-214
	PERM	98-10-048		MISC	98-02-025
Meetings	MISC	98-01-136		MISC	98-04-013
	MISC	98-02-045	Fireworks		
	MISC	98-02-052	retail sale	PERM	98-04-007
	MISC	98-03-006		EXRE	98-07-019
	MISC	98-03-014		PERM	98-13-038
	MISC	98-03-016		EMER	98-13-039
	MISC	98-03-038	Kidnapping offender registration	PERM	98-01-021
	MISC	98-03-039	Motor vehicles		
	MISC	98-03-062	lamp standards	PERM	98-04-054
	MISC	98-04-009	lighting device standards	PERM	98-04-053
	MISC	98-05-017		PREP	98-11-036
	MISC	98-05-029	sound level measurement	PERM	98-01-060
	MISC	98-05-047	special built vehicles, construction		
	MISC	98-06-049	and equipment	PERM	98-04-052
	MISC	98-06-084	tire chains use	PREP	98-11-035
Rules agenda	MISC	98-02-082			
			WENATCHEE VALLEY COLLEGE		
USURY RATES			Meetings	MISC	98-01-105
(See inside front cover)					
			WESTERN WASHINGTON UNIVERSITY		
UTILITIES AND TRANSPORTATION COMMISSION			Housing and dining	PREP	98-01-011
Low-level radioactive				PROP	98-05-048
waste disposal rates	PREP	98-06-050			
Meetings	MISC	98-10-065	WHATCOM COMMUNITY COLLEGE		
Public records, accessibility	PERM	98-02-011	Meetings	MISC	98-04-030
Telecommunications				MISC	98-08-033
access charge reform	PROP	98-11-082		MISC	98-08-048
application process	PREP	98-13-117			
service obligation	PREP	98-07-111	WORKFORCE TRAINING AND EDUCATION		
universal service	PREP	98-10-080	COORDINATING BOARD		
Telephones			Meetings	MISC	98-01-216
equal access dialing parity	PREP	98-13-116		MISC	98-06-068
prepaid calling card services				MISC	98-09-007
billing exemption	PERM	98-02-003		MISC	98-10-036
rules development	PREP	98-05-055		MISC	98-10-085
schools and libraries, rates	PERM	98-04-028		MISC	98-11-054
subscriber rates, calling areas	PROP	98-03-011	YAKIMA VALLEY COMMUNITY COLLEGE		
	PROP	98-12-071	Meetings	MISC	98-01-040
telephone assistance program	PREP	98-09-033	Student rights and		
	PROP	98-12-070	responsibilities	PREP	98-07-007
Transportation services					
limousines	PERM	98-02-004			
Water companies					
rules review	PREP	98-05-056			
WALLA WALLA COMMUNITY COLLEGE					
Meetings	MISC	98-01-087			
	MISC	98-01-095			
	MISC	98-09-035			
	MISC	98-11-051			
	MISC	98-13-067			